

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.60855 of 2018**

Arising Out of PS. Case No.-123 Year-2018 Thana- ROSERA District- Samastipur

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1. Naveen Mahto, Son of Bandhu Mahto,
  2. Kanhaiya Mahto @ Kanhey Mahto, Son of Rameshwar Mahto,
  3. Nitish Kumar, Son of Ram Balak Mahto,
  4. Manish Kumar, Son of Arvind Mahto,
  5. Manoj Mahto, Sons of Fulo Mahto,
  6. Ram Balak Mahto, Son of Bandhu Mahto, All resident of Village- Fatehpur, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Krishna Prasad Singh

For the Opposite Party/s : Mr. Ajay Kumar Jha

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

4      30-11-2018                      The anticipatory bail application on behalf of petitioner No.6 has already been dismissed as withdrawn by order dated 05.11.2018.

Heard learned counsel for the petitioners No.1 to 5 and learned APP for the State.

The petitioners No.1 to 5 are apprehending their arrest in a case registered under Sections 147, 148, 307, 323, 341, 379, 504 of the Indian Penal Code.

The prosecution case, in short, is that while the informant was sitting at his door, the accused persons including the petitioners came armed with deadly weapons and assaulted the informant, Amrit Mahto, Baldeo Mahto, Pankaj Mahto, Upendra Mahto, Shobhamani



Devi, Kaulu Mahto, Deepak Mahto with lathi danda, rod and injured them.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The nature of injury is said to be simple. Hence, no offence under Section 307 of the I.P.C. is made out. Rest of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners No.1 to 5, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Rosera, District Samastipur in connection with Rosera P.S. case No.123 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

**(Sudhir Singh, J)**

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