

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1885 of 2019

Arising Out of PS. Case No.-755 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

1. Kanhaiya Mahton, son of Ramrakshi Mahton,
2. Guddu Kumar @ Guddu Mahton, son of Kahnaiya Mahton,
3. Sumit Mahton, son of Kanhaiya Mahton,
4. Rajo Mahton, son of Achho Mahto,
5. Bittu Mahton, son of Arbind Mahton,
6. Mirtunjay Kumar @ Mirtunjay Mahton, son of Pannelal Mahton, All are resident of village-Barbighi Barki, Ward No. 11, P.O. Husaina, P.S. Baliya, District-Begusarai.

... .. Petitioners

Versus

1. The State Of Bihar,
2. Md. Farid, son of Md. Sakur, resident of village-Barbighi, Kunjar Toli, P.O. Husaina, P.S. Baliya, District-Baliya.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai
For the Opposite Party/s : Smt Renu Kumari

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 03-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 755 of 2018, registered under Sections 392, 149, 307 & 341/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that on 05.05.2018 at 7.00 P.M. while complainant was returning from Baliya to his village



having Rs. 60,000/- as he had gone there with the said amount to hand over the same to his brother in law, but he could not meet to his brother in law. In the way, seven person named in the complainant petition, including the petitioners, having pistol and knife in their hand surrounded him. At that time, petitioner No.1 Kanhaiya Mahton pointed pistol at his temporal region, whereas petitioner Nos. 2, 3, 4 and 5 also pointed pistol and petitioner No.6 for creating fear kept the knife at his head. Thereafter, petitioner No.1 on the point of pistol and knife, snatched Rs. 60,000/- from his pocket and fled away in east direction. Further case of the complainant is that in injured condition he was rushed at PHC for treatment while he gave written report to officer in charge, but the case was not registered.

Learned counsel for the petitioners submits that petitioners and informant are co-villagers and due to dirty village politics the complaint case has been lodged on 25.05.2018 after 20 days of the occurrence.

On the other hand, learned counsel appearing on behalf of the complainant/O.P. No.2 opposed the prayer for pre-arrest bail of the petitioners with submission that 20 days delay in lodging the complaint has already been explained by



the complainant/O.P. No.2 as he was injured and he was under treatment.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 2nd Class, Begusarai in connection with Complaint Case No. 755 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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