

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9432 of 2019

Arising Out of PS. Case No.-91 Year-2018 Thana- SANGRAMPUR District- East
Champaran

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1. Yogendra Mahto, aged about 55 Years, Male, Son of Late Bhukhal Mahto.
 2. Sujay Mahto, aged about 38 Years, Male.
 3. Pramod Mahto, aged about 36 Years, Male.
 4. Rupesh Mahto, aged about 34 Years, Male. All three are sons of Gajendra Mahto. All are residents of Village- Sangrampur, Mathia, P.S.- Sangrampur, District- East Champaran.
 5. Kishori Mahto, aged about 56 Years, Son of Late Darai Mahto, Resident of Village- Jalho, P.S.- Sagrampur, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Umesh Chandra Verma, Advocate.
For the Opposite Party : Mr.Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a
case for the offence registered under Sections 341, 323, 324,
325, 379 and 307 of the IPC.

The prosecution story, in brief, is that when the
informant's son Vivek Kumar was coming after studying, in the
way, all the F.I.R. named accused including the petitioners
surrounded and assaulted him. When the informant came to save
his son then all the accused persons attacked on him. Yogendra
Mahto (petitioner no.1) gave Farsa blow causing head injury



and also gave Iron rod blow causing cut injury on his finger. When he fell down then Sujay Mahto (petitioner no.2) assaulted with legs and fists and also took out Rs. 540/- from his pocket. Petitioner no. 5 Kishori Mahto, co-accused Sonu Mahto and petitioner no. 3 Pramod Mahto with intention to kill the son of informant were entrapping him. When informant's nephew Vikash Kumar came to save, he was also assaulted causing injury on his nose. Nagina Mahto was also assaulted causing pain in his body. When Hullah was raised, all accused persons fled away. Thereafter, the informant was taken to Sangrampur P.H.C. for treatment and from there to Motihari Sadar Hospital.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hand.

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 above named, in the event of arrest or 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) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran, in connection with Sangrampur P.S. Case No. 91 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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