

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15088 of 2019

Arising Out of PS. Case No.-344 Year-2017 Thana- ALOULI District- Khagaria

1. Santosh Kumar, Son of Rameshwar Mahto Resident of Village-Chhoti Simaraha, P.S.-Alauli, District-Khagaria
2. Rameshwar Mahto Son of Late Panch Lal Mahto Resident of Village-Chhoti Simaraha, P.S.-Alauli, District-Khagaria
3. Subodh Mahto Son of Late Triveni Mahto Resident of Village-Chhoti Simaraha, P.S.-Alauli, District-Khagaria
4. Rishi Kumar Son of Arjun Mahto Resident of Village-Chhoti Simaraha, P.S.-Alauli, District-Khagaria
5. Ram Japo Mahto Son of Late Panch Lal Mahto Resident of Village-Chhoti Simaraha, P.S.-Alauli, District-Khagaria
6. Sandeep Kumar Son of Bhushan Mahto Resident of Village-Chhoti Simaraha, P.S.-Alauli, District-Khagaria
7. Rajesh Mahto Son of Ram Japo Mahto Resident of Village-Chhoti Simaraha, P.S.-Alauli, District-Khagaria
8. Vijay Mahto Son of RamJapo Mahto Resident of Village-Chhoti Simaraha, P.S.-Alauli, District-Khagaria
9. Dinesh Mahto Son of Late Panch Lal Mahto Resident of Village-Chhoti Simaraha, P.S.-Alauli, District-Khagaria
10. Rahul Kumar Son of Subodh Mahto Resident of Village-Chhoti Simaraha, P.S.-Alauli, District-Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-03-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for anticipatory bail, arises out of
Allouli Police Station Case No. 344 of 2017 (G.R. No. 3026 of



2017), disclosing offences punishable under Sections 147, 148, 341, 323, 307, 324, 379 and 427 of the Indian Penal Code.

Learned counsel, appearing on behalf of the petitioners, has submitted that in course of investigation, the petitioners were allowed benefit of Section 41-A of the Cr.P.C., which they never misused. It has also been argued that upon completion of investigation, the Police submitted charge-sheet for commission of offence punishable under Sections 147, 148, 341, 323, 324 and 427 of the Indian Penal Code but the learned Chief Judicial Magistrate, Khagaria has taken cognizance of the offence punishable under Section 307 of the Indian Penal Code also and for the said reason the petitioners apprehend their arrest.

Considering the circumstance that the investigation is completed and the Police have already submitted charge-sheet and that petitioners never misused the privilege given to them by the Police in course of investigation under Section 41-A of the Cr.P.C., this application is allowed.

Let the petitioners, above-named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Allouli Police Station Case No. 344 of 2017 (G.R. No. 3026 of 2017),, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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