

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16535 of 2019

Arising Out of PS. Case No.-379 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Dwarika Mahto Son of Late Rampujun Mahto
 2. Mukesh Mahto Son of Late Rampujun Mahto
 3. Lagan Mahto, Son of Late Murat Mahto
 4. Ashok Mahto, Son of Late Murat Mahto
 5. Shivnath Mahto, Son of Late Bansi Mahto
 6. Ramayan Mahto Son of Late Pashupati Mahto
- All Residents of Village-Mauja Mathiya, P.S.-Town, District-Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh
For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 323, 341, 147, 149, 307, 380, 354, 504, 427 of the Indian Penal Code.

The prosecution case, in brief, is that in the backdrop of a petty dispute, an altercation took place between the parties and in consequence thereof, the accused persons started hurling abuses to the informant and on protest, they assaulted the informant.



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 been falsely implicated in the present case. There is case and counter case between the parties. In the alleged occurrence, the brother of petitioner No. 1 is alleged to have died. His death has not been explained by the prosecution in the present case. The prosecution has not come with clean hands. The date of occurrence is 19-08-2017 and in respect to that occurrence, a complaint was filed on 07-10-2017 which was forwarded by the court below to the concerned police station u/S 156(3) Cr.P.C. for lodging the FIR. The delay in filing the complaint has not been explained by the prosecution.

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

Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Gopalganj in connection with Gopalganj (Town)
P.S. Case No. 379 of 2017, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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