

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19761 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- PUPRI District- Sitamarhi

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1. GANGA MAHTO @ GANGA PRASAD MAHTO Son of Late Yogendra Mahto
 2. Mahesh Mahto @ Mahesh Kumar Mahto Son of Late Yogendra Mahto
 3. Lalan Mahto @ Lalan Kumar Mahto Son of Late Yogendra Mahto
 4. Ravindra Mahto Son of Late Yogendra Mahto All Resident of village- Chakasa, P.S-Pupri, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 307/34 IPC and Section 27 of the Arms Act registered in connection with Pupri P.S. Case No. 02 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute between the parties. The petitioners are own brothers, The accusation of firing on the informant by the petitioners is general and omnibus in nature. Such accusation of firing is also not supported by the injury report which does not disclose any visible injury (Annexure-2). The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Pupri at Sitamarhi, in connection with



Pupri P.S. Case No. 02 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioners shall be confirmed subject to verification of the injury report and that the informant has not sustained any fire arm injury. If it is found that the informant has received fire arm injury, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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