

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25696 of 2019

Arising Out of PS. Case No.-162 Year-2018 Thana- KANHAULI District- Sitamarhi

1. PACHU MAHTO @ PACHCHU MAHTO Son of Amiri Mahto, Resident of Village- Bara Tola Lachhminia, P.S.- Kanhauli, District- Sitamarhi.
2. Uday Mahto Son of Iqbal Mahto, Resident of Village- Bara Tola Lachhminia, P.S.- Kanhauli, District- Sitamarhi.
3. Jai Narain Mahto Son of Late Basudeo Mahto, Resident of Village- Bara Tola Lachhminia, P.S.- Kanhauli, District- Sitamarhi.
4. Ram Narain Mahto Son of late Basudeo Mahto, Resident of Village- Bara Tola Lachhminia, P.S.- Kanhauli, District- Sitamarhi.
5. Pragash Pandit Son of Jaldhari Pandit, Resident of Village- Bara Tola Lachhminia, P.S.- Kanhauli, District- Sitamarhi.
6. Ramadhar Mahto Son of Anup Lal Mahto, Resident of Village- Bara Tola Lachhminia, P.S.- Kanhauli, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 22-04-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory
bail in connection with Kanhauli P.S. Case No. 162 of 2018
registered for offence punishable under sections 147, 148, 149,
323, 324, 307, 353, 427, 447, 448, 452, 379, 380, 120B, 504,
506, 193 of the Indian Penal Code and 3/4 of the Damage to
Public Property Act.



Allegation made in the present case is that the informant was engaged in the official duty and in that connection, one person was arrested in connection with Kanhauli P.S. Case No. 160 of 2018 and on that account, entire villagers in mob went to the police section, damaged the property of police station and engaged in arson.

The learned counsel for the petitioners submits that there is no specific allegation against these petitioners, but general and omnibus and they have no criminal antecedent.

Looking to the facts and circumstances of the case, the prayer for bail of the petitioners is allowed and they, in the event of arrest or surrender before the court below within six weeks from today, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of I/c Judicial Magistrate-V, Sitamarhi in connection with Kanhauli P.S. Case No. 162 of 2018, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioners will not induce any witness or tamper with the evidence. The petitioners shall cooperate in the



disposal of trial and make themselves available as and when required by the court. If the petitioners are found involved in similar type of allegation in future, the prosecution will have liberty to file an application for cancellation of their bail bonds. Whenever the Police will call the petitioners for the purpose of interrogation/investigation, they would present themselves. In case of failure, the prosecution will have liberty to make a prayer for cancellation of their bail before the court below.

(Shivaji Pandey, J)

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