

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22634 of 2019

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

1. MAHESH MAHTO Son of Late Sahdeo Mahto Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi
2. Binod Kumar @ Binod Mahto Son of Mishri Lal Mahto Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi
3. Bikau Pandit Son of Lakhan Pandit Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi
4. Vijay Mahto Son of Jai Kishun Mahto Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi
5. Dilip Baitha Son of Kameshwar Baitha Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi
6. Shivji Mahto Son of Ashrfi Mahto Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi
7. Baidhntah Baitha Son of Pathlu Baitha Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi
8. Sohan Mahaseth Son of Satyanarain Mahaseth Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi
9. Nageshwar Mahto Son of Jaldhari Mahto Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi
10. Upendra Kapar Son of Anutha Kapar Resident of Village- Bara Tola Lakshiminia, P.S.- Kanhauli, District- Sitamarhi
11. Sushil Kumar Son of Siyaram Mahto Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-04-2019 Heard both sides.

The petitioners apprehend their arrest in Kanhauli P.S.

case No. 162 of 2018 registered under Section 323, 324, 307,



379, 380 and some other Sections of the IPC and u/s $\frac{3}{4}$ of Damage to Public Property Act.

The informant, S.I of Kanhauli P.S., alleged that some persons of village Khap Khopraha and Bhasar came to police station and requested the informant to arrest the accused of Kanhauli PS case No. 160 of 2018. The informant assured that the police officials were taking necessary action against the accused persons of Kanhauli P.S. case No. 160 of 2018 but in the meantime many accused persons, including the petitioners, came to the P.S., run amok, ransacked the entire P.S. and damaged Government property including police jeep.

The learned counsel for the petitioners submits that although the petitioners are named in the FIR but no specific allegation is made. The petitioners have no manner of concern with the incident but the police in order to teach lesson to the villagers implicated the petitioners and others. Similarly situated accused Bhola Mahto has already been granted anticipatory bail vide order dated 06.03.2019 passed in Cr. Misc. No. 13843 of 2019.

Considering the facts aforesaid and nature of allegation made against the petitioners and the fact that similarly situated accused has been granted anticipatory bail, the



petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-V Sitamarhi in connection with Kanhauli P.S. case No.162 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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