

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28437 of 2019

Arising Out of PS. Case No.-70 Year-2018 Thana- HATHIDAH District- Patna

1. DILIP MAHTO Son of Late Bindeswari Mahto @ Late Bindeshwar Mahto Resident of Village- Ram Tola, Police Station- Hathidah, District- Patna.
2. Shyam Baran Mahto @ Shyam Barah Mahto Son of Late Madan Mahto Resident of Village- Ram Tola, Police Station- Hathidah, District- Patna.
3. Durgesh Mahto Son of Late Bindeswari Mahto @ Late Bindeswar Mahto Resident of Village- Ram Tola, Police Station- Hathidah, District- Patna.
4. Niru Devi Wife of Durgesh Mahto Resident of Village- Ram Tola, Police Station- Hathidah, District- Patna.
5. Meera Devi Wife of Shyam Baran Mahto @ Shyam Barah Mahto Resident of Village- Ram Tola, Police Station- Hathidah, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh
For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-04-2019 Heard both sides.

The petitioners apprehend their arrest in Hathidah P.S.
case No. 70 of 2018 registered under Section 341, 342, 328, 307
of the IPC.

The informant named the petitioners and others and
alleged that they called her son to compromise the case. When
her son demanded due share in the disputed land, all the accused
persons are alleged to have put her son down and administered
poison. The informant further alleged that she went to hospital



and her son was discharged on the next day but the doctor did not give any report of treatment.

The learned counsel for the petitioners submits that altogether five persons and their wives are named in the FIR but no specific allegation is made against any of the accused. There is no material on record to show that any poison was administered to the son of informant. On similar facts Baleshwar Mahto, Bhushan Mahto, Usha Devi and Maro Devi have been granted anticipatory bail by the same order on the ground that they are old but prayer of petitioners for anticipatory bail was rejected without taking into consideration any facts and the fact that no specific allegation is made against the petitioners. The case of petitioners stands on same footing. It is further submitted that even if the allegation be taken on its face value there is no report about poisoning and son of informant did not receive any injury. No case u/s 307 or 328 of the IPC is made out.

Considering the facts aforesaid and nature of allegation made against the petitioners and the fact that the learned Sessions Judge has already granted anticipatory bail to four of the accused persons and the case of petitioners stands on similar footing, 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 Sri Deepak Kumar, learned Additional Chief Judicial Magistrate -IV, Barh, Patna in connection with Hathidah P.S. case No. 70 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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