

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29636 of 2019

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

1. AJAY SHARMA @ AJAY KUMAR Son of Chandeshwar Thakur @ Chaneswar Sharma Resident of Village-Lachhminia Bara Tola, P.S.-Kanhauli, District-Sitamarhi.
2. Umesh Mahto Son of Late Mahendra Mahto Resident of Village-Lachhminia Bara Tola, P.S.-Kanhauli, District-Sitamarhi.
3. Manoj Rai @ Manoj Prasad Yadav Son of Chhedi Rai @ Chhedi Yadav Resident of Village-Lachhminia Bara Tola, P.S.-Kanhauli, District-Sitamarhi.
4. Madan Mahto Son of Hari Narayan Mahto Resident of Village-Lachhminia Bara Tola, P.S.-Kanhauli, District-Sitamarhi.
5. Suresh Mahto Son of Ruplal Mahto Resident of Village-Lachhminia Bara Tola, P.S.-Kanhauli, District-Sitamarhi.
6. Baidyanath Mahto Son of Ram Narayan Mahto Resident of Village-Lachhminia Bara Tola, P.S.-Kanhauli, District-Sitamarhi.
7. Jagroop Kapad @ Jagroop Kapar Son of Lakshman Kapar @ Laxmi Kapar Resident of Village-Lachhminia Bara Tola, P.S.-Kanhauli, District-Sitamarhi.
8. Pukar Mahto Son of Late Charitra Mahto Resident of Village-Lachhminia Bara Tola, P.S.-Kanhauli, District-Sitamarhi.
9. Baidyanath Mahto Son of Late Manchit Mahto Resident of Village-Lachhminia Bara Tola, P.S.-Kanhauli, District-Sitamarhi.
10. Ram Ekbal Mandal Son of Late Kapurchan Mandal Resident of Village-Lachhminia Bara Tola, P.S.-Kanhauli, District-Sitamarhi.
11. Pragas Mandal Son of Kapurchan Mandal Resident of Village-Lachhminia Bara Tola, P.S.-Kanhauli, District-Sitamarhi.
12. Ramesh Mandal Son of Pragas Mandal Resident of Village-Lachhminia Bara Tola, P.S.-Kanhauli, District-Sitamarhi.
13. Sahindra Mandal Son of Siwadhari Mandal Resident of Village-Lachhminia Bara Tola, 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.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN



ORAL ORDER

2 09-05-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 323, 324, 307, 353, 427, 447, 448, 452, 379, 380, 120B, 504, 506, 193 IPC and 3 and 4 of Damage to Public Property Act registered in connection with Kanhauli P.S. Case No. 162/2018.

3. It is submitted that the petitioners have been falsely implicated and the FIR is against as many as 37 named and hundreds of unknown persons. The petitioners merely happened to be in the vicinity and the accusations are general and omnibus in nature without any specific overt act attributed to the petitioners. Similarly situated co-accused Bhola Mahto has been granted anticipatory bail by this Court in Cr. Misc. No. 13843 of 2019. 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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned I/C. J.M. 5th, Sitamarhi in connection with Kanhauli P.S. Case No. 162/2018, 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.

(Vikash Jain, J)

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