

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40532 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- LAUKAHA District- Madhubani

1. KUMAR MAHTO @ RAM KUMAR MAHTO, Male, aged about 35 years, Son of Jay Prakash Mahto, Resident of Village-Chainpur, P.S.-Laukaha, District-Madhubani
2. Deb Kumar Mahto, Male, aged about 30 years, Son of Jay Prakash Mahto, Resident of Village-Chainpur, P.S.-Laukaha, District-Madhubani

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Bimal Kumar, Adv.

For the Opposite Party : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 02-07-2019 The learned counsel for the petitioners submits that the petitioner no. 1, Kumar Mahto @ Ram Kumar Mahto, has been arrested during the pendency of this case, hence, his payer for pre-arrest bail is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2 and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Laukaha P.S. Case No. 28 of 2019 for the offences alleged under Sections 341, 323, 325, 448, 354B, 379, 504, 506 and 34 of the Indian Penal Code.

The accusation is that on 10.02.2019, the informant, after taking the lunch, was sleeping at her house alone, at that time Kumar Mahto (petitioner no. 1) and Deb Kumar Mahto



(petitioner no. 2) entered in her house and tried to commit rape tearing her blouse and saree. Petitioner no. 2 put the gamcha at her mouth and petitioner no. 1 snatched her chain and hasuli from her neck, petitioner no. 2 also pressed her neck and petitioner no. 1 caused injury and slapped to her chest. Any how she raised alarm and her neighbours, Ajay Mahto, Jai Prakash Mahto, Anand Kumar Mahto, Gaudi Mahto, Achhe Lal Mahto, Shiv Bachan Mahto, Bishnu Mahto having lathi, farsa and pistol came in her courtyard and gave threatening to the accused persons. Some persons have also taken away Rs.25,000/- after breaking the box.

The learned counsel appearing for the petitioner submits that due to land dispute the occurrence took place regarding which a case, bearing Laukaha P.S. Case No. 29 of 2019 under Sections 341, 323, 354B, 379, 504 and 506/34 of the Indian Penal Code, has been lodged by the petitioner no. 2. The petitioner has no criminal antecedent.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner no. 2, Deb Kumar Mahto, in the event of surrender/arrest, within a period of four weeks from today, in



connection with Laukaha P.S. Case No. 28 of 2019 shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri P.K. Mahatha, Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani, subject to the conditions as laid down under Section 438(2) Criminal Procedure.

(Rajendra Kumar Mishra, J)

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