

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39513 of 2019

Arising Out of PS. Case No.-121 Year-2017 Thana- SAHARGHAT District- Madhubani

1. BABLU MAHTO Son of Jagdish Mahto Resident of Village Chanan, P.S. Basopatti, District- Madhubani.
2. Jagdish Mahto Son of Rajeshwar Mahto Resident of Village Chanan, P.S. Basopatti, District- Madhubani.
3. Rohit Mahto @ Rohit Kumar Son of Jagdish Mahto Resident of Village Chanan, P.S. Basopatti, District- Madhubani.
4. Dinesh Mahto Son of Rajeshwar Mahto Resident of Village Chanan, P.S. Basopatti, District- Madhubani.
5. Rajeshwar Mahto Son of Late Asharfi Mahto Resident of Village Chanan, P.S. Basopatti, District- Madhubani.
6. Hira Mahto Son of Chhedi Mahto Resident of Village Chanan, P.S. Basopatti, District- Madhubani.
7. Dhanvir Paswan Son of Shobhit Paswan Resident of Village Chanan, P.S. Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 21-08-2019 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, 149, 341, 323, 379, 504, 506 of the Indian Penal Code registered in connection with Saharghat P.S. Case No. 121 of 2017.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute. The accusation of assault by the petitioners is general and omnibus in nature. The FIR has been instituted under bailable Sections except Section



379 of the Indian Penal Code alleging snatching of golden chain by petitioner no. 1, which is mere embellishment. The petitioners claim clean antecedents.

4. Learned APP appears and submits that the petitioners have assaulted the informant's son who sustained injuries, opinion in respect of which has been kept reserved as evident from case diary containing injury report.

5. Be that it may, in the event of petitioners' arrest or surrender within four weeks hereof let the above named petitioners' be released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] each with two sureties of like amount each to the satisfaction of learned SDJM, Benipatti, Madhubani in connection with Saharghat P.S. Case No. 121 of 2017, 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.

6. The provisional bail granted to the petitioners shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond,



that no grievous injury has been caused to the informant’s son, In
case any grievous injury is found, their bail bonds shall stand
automatically cancelled.

(Vikash Jain, J)

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