

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40530 of 2019

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

1. CHANDESHWAR MAHTO, aged about 35 years, Male, Son of Late Ramdeo Mahto, Resident of Village- Lakshminiya Bara Tola, P.S.- Kanhauli, District- Sitamarhi.
2. Fekan Mahto, aged about 31 years, Male, Son of Late Ishwar Mahto @ Inardeo Mahto, Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi.
3. Ram Bahadur Mahto, aged about 25 years, Male, Son of Late Ram Briksh Mahto @ Ram Briksh Mahto, Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi.
4. Binay Mahto, aged about 35 years, Male, Son of Kailash Mahto, Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi.
5. Bachan Mahto, aged about 43 years, Male, Son of Mahesh Mahto, Resident of Village- Khap, P.S.- Kanhauli, District- Sitamarhi.
6. Jagdish Mahto, aged about 60 years, Male, Son of Late Revi Mahto, Resident of Village- Lakshminiya Bara Tola, P.S.- Kanhauli, District- Sitamarhi.
7. Jay Narayan Mahto, aged about 51 years, Male, Son of Late Ramashish Mahto, Resident of Village- Lakshminiya Bara Tola, P.S.- Kanhauli, District- Sitamarhi.
8. Anup Lal Mahto, aged about 70 years, Male, Son of Late Sukhdeo Mahto Resident of Village- Lakshminiya Bara Tola, P.S.- Kanhauli, District- Sitamarhi.
9. Bhola Baitha @ Punit Kumar, aged about 25 years, Male, Son of Mahendra Baitha, Resident of Village- Lakshminiya Bara Tola, P.S.- Kanhauli, District- Sitamarhi.
10. Mahendra Baitha, aged about 55 years, Male, Son of Late Ravindra Baitha, Resident of Village- Lakshminiya Bara Tola, P.S.- Kanhauli, District- Sitamarhi.

... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners	:	Mr. Hans Lal Kumar, Adv.
For the Opposite Party	:	Mr. Bharat Bhushan, APP 156

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 02-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the state.



The petitioners seek pre-arrest bail in connection with Kanhauli P.S. Case No. 162 of 2018 for the offences alleged under Sections 147, 148, 149, 323, 324, 307, 353, 427, 447, 448, 452, 379, 380, 120B, 504, 506 and 193 of the Indian Penal Code and 3 and 4 of the Damage to Public Property Act.

The accusation is that the informant, who is the Officer-in-Charge of Kanhauli Police Station, Sitamarhi, was present in the morning of 28.12.2018 at the Police Station and was convincing to some persons who had come in connection with Kanhauli P.S. Case No. 160 of 2018 for arresting the accused, in the meantime, 32 persons, named in the first information report and more than 100 unknown ladies and gents, variously armed with weapon and kerosene gallon, came there and attacked on Police Station, damaged the articles and indulged in arson.

The learned counsel appearing for the petitioners submits that the petitioners are not named in the first information report rather later on the footage of the close circuit television the petitioners are said to be identified as persons who are involved in damaging the articles of the Police Station and indulging in arson.

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 petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Kanhauli P.S. Case No. 162 of 2018 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the In-Charge Judicial Magistrate, V, Sitamarhi, or the successor Court, subject to the conditions as laid down under Section 438(2) Criminal Procedure.

(Rajendra Kumar Mishra, J)

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