

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40647 of 2019

Arising Out of PS. Case No.-79 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. SURENDRA MAHTO S/o Late Sahdeo Mahto R/o village- Gidaha, P.S.- Phulwariya, District- Gopalganj
2. Nand Kumar Mahto S/o Late Sahdeo Mahto R/o village- Gidaha, P.S.- Phulwariya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 03-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Phulwariya P.S. Case No.79 of 2019 registered under Sections 147, 148, 149, 323, 337, 338, 353, 307, 504 and 506 of the Indian Penal Code.

The accusation is that the informant along with other police personnel with the copy of the complaint made by Shanti Devi reached at Gidaha, where some persons were getting the work done at Khata No.136, Khesra No.1132. The informant made request to them to stop the work. Thereafter, the informant made query about Surendra Mahto (petitioner no.1)



and Nand Kumar Mahto (petitioner no.2), then Shanti Devi informed him that they have gone to call the party on seeing the police vehicle, asking that they were abusing her saying that she is lodging the case. In the meantime, some persons having lathi and danda came there and started to cause assault to Shanti Devi. When Home guards, namely, Amod Kumar, Om Prakash Pandey, Baleshwar Singh and Sahelu Singh rushed to save Shanti Devi, they attacked on them and started to pelting stones on the police jeep. Regarding the said occurrence,, the informant gave information to the higher official. While the informant was trying to convince them but, in the meantime, one person caught hold his collar and caused assault to him through fists. Home guard Pramod Singh took one person into custody, whereas other Home guards took two persons into custody and they were taken on the jeep. On query, they disclosed their name as Amol Kumar, Munna Kumar and Sarvjeet Chaudhary alias Munmun Chaudhary. When the driver of the jeep tried to start the jeep then Surendra Mahto (petitioner no.1), Nand Kumar Mahto, Amar Chaudhary and 20 unknown persons started to abuse and surrounded the jeep and tried to set free the apprehended accused giving threatening of dire consequences.

Learned counsel for the petitioners submits that the



petitioners are nephews of Shanti Devi and they have falsely been implicated in this case. It would appear from the F.I.R. that no specific overt act is attributed to the petitioners. Further submission is that the petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, 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 the Additional Chief Judicial Magistrate-XIII, Gopalganj, in connection with Phulwariya P.S. Case No.79 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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