

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45993 of 2019

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

1. Sanjay Mahto @ Sanjay Prasad, Son of Bhola Mahto @ Bhola Prasad Resident of Village-Lakshminiya Bara Tola, P.S.-Kanhauli, District-Sitamarhi.
2. Chhotan Mahto, Son of Jai Kishun Mahto, Resident of Village-Khap, P.S.-Kanhauli, District-Sitamarhi.
3. Kuldeep Mahto, Son of Asharfi Mahto, Resident of Village-Khap, P.S.-Kanhauli, District-Sitamarhi.
4. Ganga Kishun Mahto, Son of Late Moti Mahto, Resident of Village-Khap, 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 : Mrs.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-09-2019 Heard learned counsel for the petitioners and learned
APP for State.

The petitioners in this case are seeking anticipatory bail in connection with Kanhauli P.S. Case No.162 of 2018 registered for the offences punishable 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 Section 3/4 of the Damage to Public Property Act.

Learned counsel for the petitioners submits that the petitioners are not named in the First Information Report and



there are only general and omnibus allegations that they were members of the mob. It is stated that the petitioners have no criminal antecedent. Learned counsel further submits that some similarly situated co-accused have been granted privilege of anticipatory bail vide Annexure-2 series to the present application.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein the petitioners are not named in the FIR and there are only general and omnibus allegations that they were members of the mob and some similarly situated co-accused have been granted privilege of anticipatory bail vide Annexure-2 series to the present application, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned I/C J.M. Vth, Sitamarhi in connection with Kanhauli P.S. Case No.162 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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