

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44440 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- ROH District- Nawada

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1. UMESH MAHTO Son of Late Saudagar Mahto Resident of Village - Raja Bigha, P.S.- Roh in the district of Nawada.
 2. Ram Khelawan Mahto @ Khelawan Mahto Son of Brahmdeo Mahto Resident of Village - Raja Bigha, P.S.- Roh in the district of Nawada.
 3. Bablu Kumar @ Bablu Mahto Son of Lakhan Mahto Resident of Village - Raja Bigha, P.S.- Roh in the district of Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar
For the State	:	Mr.Ashok Kumar Singh
For the Informant	:	Mr. Krishna Deo Raj

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 19-07-2019 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, 148,149, 323, 342, 307, 506, 379 IPC registered in connection with Roh P.S. Case No. 52 of 2019.

3. It is submitted that the petitioners have been falsely implicated and in any event the thrust of accusation of assault upon the informant with *sword* and *garasa* is on co-accused Gajadhar Mahto and Chhotan Mahto. The petitioner nos. 1 and 2 are said to have assaulted the father of the informant with *lathi*, *danda*, whose injury is simple in nature. Allegation against petitioner no. 1 of snatching the golden chain is mere embellishment.

4. Learned APP assisted by learned counsel for the informant opposes the petition submitting that the accused



persons came armed with weapon and surrounded the informant, his brother and his father and assaulted them variously. Learned counsel for the informant submits that the petitioner nos. 1 and 2 are assaulted the informant's father on his head. It is therefore evident that it was a premeditated occurrence carried out in a concerted manner of which overt act has been attributed to the petitioners

4. 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 Sri Prasant Kumar, learned J.M. IInd Class, Nawada, in connection with Roh P.S. Case No. 52 of 2019, 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.

5. 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, his brother or his father. In case any grievous injury is found, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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