

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47218 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- SAHAJITPUR District- Saran

1. ALOK KUMAR @ ALOK KUMAR MAHTO Son of Raj kumar Mahto Resident of Village - Dhawari, P.S.- Sahajitpur, Distt - Saran at Chapra.
2. Santosh Mahto Son of Gautam Mahto Resident of Village - Dhawari, P.S.- Sahajitpur, Distt - Saran at Chapra.
3. Gautam Mahto Son of Late Jhaman Mahto Resident of Village - Dhawari, P.S.- Sahajitpur, Distt - Saran at Chapra.
4. Raj Kumar Mahto Son of Jairam Mahto Resident of Village - Dhawari, P.S.- Sahajitpur, Distt - Saran at Chapra.
5. Dilip Mahto Son of Jhaman Mahto Resident of Village - Dhawari, P.S.- Sahajitpur, Distt - Saran at Chapra.
6. Kamaldeo Mahto Son of Jhaman Mahto Resident of Village - Dhawari, P.S.- Sahajitpur, Distt - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Tiwary
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 30-07-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Sahajitpur P.S. Case No. 36 of 2019, disclosing offences under Sections 147, 148, 149, 307 and 379 of the Indian Penal Code.

There is allegation in the FIR against the named accused persons that, on the instigation of petitioner no.3, they assaulted the informant with sword, *pharsa* and iron rod. It is also alleged that they snatched some valuables also.



Learned counsel for the petitioners has submitted that there is a counter case also registered for the same occurrence and that the injuries have not only been found to be simple in nature, but have been found to have been caused by hard and blunt substance, which falsifies the case of the prosecution.

On perusal of the FIR and the injury report, as brought on record, I find substance in the submission so advanced by the learned counsel for the petitioners.

Considering the nature of allegation, this application is allowed. Let the petitioners, above named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, VI, Saran at Chapra, in connection with Sahajitpur P.S. Case No. 36 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions,



their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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