

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47063 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- KANGLI District- West Champaran

1. Birendra Mahto, aged about 50 years, Male
2. Sikandar Mahto, aged about 45 years, Male,
Both are sons of Jagan Mahto Resident of Village - Maswas, P.S.-
Kangali, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 30-07-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Kangali P.S. Case No. 16 of 2019 registered for offences under sections 341, 323, 324, 307, 379, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per First Information Report, the dispute arose between the parties when the co-accused Surendra Mahto was keeping liquor in the field of the Informant, when the Informant made objection, all the accused persons started to assault him. A specific allegation has been made against Birendra Mahto of



causing injury by Gadasa whereas the allegation made against Sikandar Mahto, petitioner no.2, is general and omnibus.

Looking to the entire facts and circumstances of the case as also there being no specific allegation of any overt act against Sikandar Mahto (petitioner no.2), let the petitioner no.2, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, West Champaran at Bettiah in connection with Kangali P.S. Case No. 16 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

There being direct allegation against Birendra Mahto (petitioner no.1), this Court is not inclined to grant him privilege of anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner no.1, above named, is rejected.



If the petitioner no.1 surrenders before the court below within a period of three weeks from today and makes a prayer for bail, the court below, without being prejudiced by this order, will pass orders in accordance with law.

(Shivaji Pandey, J)

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