

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67043 of 2018

Arising Out of PS. Case No.-364 Year-2018 Thana- TURKAULIYA District- East
Champaran

-
1. Paras Mahto S/o Late Shivgovind Mahto
 2. Binju Mahto S/o Paras Mahto
 3. Sri Ram Mahto S/o Paras Mahto
 4. Raja Mahto S/o Paras Mahto
 5. Luv Mahto S/o Paras Mahto
 6. Kush Mahto S/o Paras Mahto
 7. Chandan Mahto, S/o Laxaman Mahto
 8. Vishwakarma Mahto, S/o Laxaman Mahto
 9. Jaybharat Mahto S/o Laxaman Mahto
- All are residents of Village - Siswa West (Ward No.5), P.S. Motihari Sadar,
District -East Champaran

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 18-02-2019 By order dated 17.12.2018, the prayer for anticipatory bail of petitioner nos. 1 and 8, namely, Paras Mahto and Vishwakarma Mahto has been rejected.

2. Heard learned counsel for the remaining petitioners and learned APP for the State.

3. Petitioner nos. 2, 3, 4, 5, 6, 7 and 9 apprehend their arrest for the offences alleged under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code registered in connection with Turkauliya (Banjariya) P.S. Case No. 364 of 2018.

4. It is submitted that the petitioners have been falsely implicated as the parties are *Gotia* to each other. The petitioner no. 1 had earlier instituted an FIR being Turkauliya P.S. Case No. 304 of 2018 and the present FIR has been instituted in retaliation thereto. In



any event, injuries which have been sustained by the informant on non-vital part of his body are simple in nature except injury no. 2 upon Virdev Mahto who suffered fracture shaft of ulna but the said injury has not been attributed specifically to any of these petitioners.

5. Be that as it may, as regards petitioner nos. 2, 3, 4, 5, 6, 7 and 9, namely, Binju Mahto, Sri Ram Mahto, Raja Mahto, Luv Mahto, Kush Mahto, Chandan Mahto and Jaybharat Mahto, in the event of their arrest or surrender before the court below within six weeks from the date of communication of this order, let them be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 364 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That 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.

(iv) That the petitioners shall cooperate 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.

BT/Chandran

(Vikash Jain, J)

U		T	
---	--	---	--

