

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8294 of 2020

Arising Out of PS. Case No.-282 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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1. ARVIND MAHTO S/o Late Sita Ram Mahto Resident of Village- Charaiya Rahika, P.S.- Sri Nagar, Distt- Purnea.
 2. Anil Mahto S/o Late Sita Ram Mahto Resident of Village- Charaiya Rahika, P.S.- Sri Nagar, Distt- Purnea.
 3. Sadan Mahto @ Sadan Kumar Mahto S/o Late Sita Ram Mahto Resident of Village- Charaiya Rahika, P.S.- Sri Nagar, Distt- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-03-2020 Heard learned Counsel for the petitioners and the learned
APP for the State.

Petitioners apprehend arrest in K. Nagar (Srinagar) PS
Case No. 282 of 2019 registered under Sections 447, 341, 323, 307,
354-B, 379 and 504/34 IPC.

When Deo Dutta Mahto had gone for sowing paddy in the
field, it is alleged that the petitioners and some others have come to
the place and started abusing and assaulting with lathi and danda.

Counsel for the petitioners submits that there is general
and omnibus allegation as there is no specific assault attributed to the
petitioners. Injury report is suggestive of the injury which are simple
in nature. In fact there ensued a free fight over some dispute in
relation to the land in question, in respect of which the petitioners'
side had earlier lodged a case bearing K. Nagar PS Case No. 281 of
2019. As a retaliation instant prosecution has been instituted. The
petitioners have no criminal antecedent.



Learned APP has opposed the prayer.

Considering the rival submissions this Court is inclined to accept the submission on behalf of the petitioner. The prayer is allowed.

In the event of arrest or surrender before the court below within four weeks from today, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Purnea in K. Nagar (Srinagar) PS Case No. 282 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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