

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 11858 of 2020
Arising Out of PS. Case No.-176 Year-2019 Thana- Hasanpur District- Samastipur

1. Mahendar Mahto, aged about 60 years, male, Son of Late Sundar Mahto
 2. Krishan Kumar @ Nepala @ Krishan Mahto, aged about 21 years, male, son of Late Sundar Mahto
 3. Ashok Kumar Mahto @ Ashok Mahto, aged about 40 years, male, son of Late Sundar Mahto
 4. Ksilash Mahto @ Kailash Prasad, aged about 23 years, male, son of Late Sundar Mahto
- All are resident of village-Patori, P.S. Hasanpur, Distt. Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Adv.

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4	23-09-2020	Heard learned counsel for the petitioners and learned APP for the State, through video conferencing. It is submitted by learned counsel for the petitioners that consequent to the arrest of petitioner no. 3, his application for bail has already been withdrawn by order dated 23.6.2020. The petitioner nos. 1, 2 and 4 have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Hasanpur P.S. Case No. 176 of 2019 registered under sections 307 and other sections of the Indian Penal Code. As per allegation in the FIR, the accused persons variously armed are stated to have assaulted the husband of the informant, Baijnath Mahto besides others.
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It is submitted by learned counsel for the petitioners that the allegations of assault etc. as levelled in the FIR are false and incorrect. There is case and counter case between the parties and the correct version having been narrated in the FIR being Hasanpur P.S. Case No. 177 of 2019 lodged by Ganeshi Mahto. It is further submitted that there is pending land dispute between the parties with two title suits bearing Title Suit No. 56 of 2015 and Title Suit No. 44 of 2015. The injuries attributed to these petitioners are simple in nature and they have no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the pendency of title suits between the parties, there being case and counter case and petitioners having no criminal antecedent, the Court is inclined to enlarge the petitioner nos. 1, 2 and 4 on anticipatory bail. The petitioner nos. 1, 2, and 4 are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Hasanpur P.S. Case No. 176 of 2019, they shall be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/ (Ten thousand) with two sureties of the like



		amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Rosera, Samastipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.
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(Partha Sarthy, J)

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