

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18324 of 2020

Arising Out of PS. Case No.-291 Year-2019 Thana- KESARIA District- East Champaran

1. CHANCHAL MAHTO Son of Late Bhagwan Mahto Resident of Village - Sarang Pur, P.S.- Keseriya, District- East Champaran
2. Dharmendra Mahto @ Dhamindra Mahto Son of Chanchal Mahto Resident of Village - Sarang Pur, P.S.- Keseriya, District- East Champaran
3. Gupta Mahto Son of Chanchal Mahto Resident of Village - Sarang Pur, P.S.- Keseriya, District- East Champaran
4. Akash Mahto Son of Ramadhar Mahto Resident of Village - Sarang Pur, P.S.- Keseriya, District- East Champaran
5. Karan Kumar @ Paran Kumar Mahto Son of Ramadhar Mahto Resident of Village - Sarang Pur, P.S.- Keseriya, District- East Champaran
6. Vishal Mahto Son of Ramadhar Mahto Resident of Village - Sarang Pur, P.S.- Keseriya, District- East Champaran
7. Balister Mahto @ Balinder Mahto Son of Mohan Mahto Resident of Village - Sarang Pur, P.S.- Keseriya, District- East Champaran
8. Rajkishore Mahto Son of Mohan Mahto Resident of Village - Sarang Pur, P.S.- Keseriya, District- East Champaran
9. Raju Mahto Son of Mohan Mahto Resident of Village - Sarang Pur, P.S.- Keseriya, District- East Champaran
10. Ramanand Mahto Son of Late Lagan Mahto Resident of Village - Sarang Pur, P.S.- Keseriya, District- East Champaran
11. Mandhari Mahto @ Mandhar Mahto Son of Late Lagan Mahto Resident of Village - Sarang Pur, P.S.- Keseriya, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-08-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For



Orders' under the orders of Hon'ble the Chief Justice.

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

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 324, 307, 327, 354, 379, 447, 448, 504 and 506 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons came to the door of the informant and assaulted him due to which he received injury. The family members came in rescue were assaulted by the accused persons.

It has been submitted on behalf of the petitioners that the petitioner nos. 1 and 4 to 11 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is a case and counter case between the parties. A free fight is alleged to have taken place between the parties. The injuries on the side of the accused persons have not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R./complaint case.

Considering the facts and circumstances of the case



and also the lockdown, the petitioners above named, in the event of arrest or surrender before the learned Court below within a period of eight weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned A.C.J.M. 3rd East Champaran at Motihari in connection with Keshariya P.S. Case No. 291 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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