

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11297 of 2021

Arising Out of PS. Case No.-6 Year-2015 Thana- JANKINAGAR District- Purnia

1. Munga Lal Mahto, S/O Late Badri Mahto, R/O Village- Rampur Tilak, P.S.- Janki Nagar, District-Purnea.
2. Bhokhi Mahto @ Choukhi Mahto, S/O Late Badri Mahto, R/O Village- Rampur Tilak, P.S.-Janki Nagar, District-Purnea.
3. Din Dayal Mahto, S/O Bhokhi Mahto @ Choukhi Mahto, R/O Village- Rampur Tilak, P.S.-Janki Nagar, District-Purnea.
4. Dayanand Mahto, S/O Bhokhi Mahto @ Choukhi Mahto, R/O Village- Rampur Tilak, P.S.-Janki Nagar, District-Purnea.
5. Newa Lal Mahto, S/O Rit Lal Mahto, R/O Village- Rampur Tilak, P.S.-Janki Nagar, District-Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate
For the Opposite Party/s : Dr. Mritunjay Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-07-2021 The matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioners seek bail in connection with Janki



Nagar P.S. Case No.06 of 2015 instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354, 379, 452, 436, 504 and 506 of the Indian Penal Code.

There is an allegation that 12 named and 10 unknown persons have assaulted the prosecution side.

The petitioners' counsel submits that at least five persons have allegedly fired in the process of assault, including Petitioner Nos.3 and 5, who were also having firearm in their possession. However, none of three injured persons, namely, Hira Lal Mahto, Guneshwar Mahto and Bhuneshwar Mahto, have sustained any firearm injury. The three injured persons have been examined and found to have simple injuries caused by hard and blunt substances. It is not manifest from the F.I.R. that 22 persons had the intention of killing. There is a *Basgit Parcha* issued in favour of the petitioners. The prosecution party were trying to capture the land and for this reason, the petitioners have been implicated in this case. The petitioners have no criminal antecedents and they are stated to be in custody since 07.10.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is



inclined to allow petitioners' prayer for bail.

Accordingly, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned C.J.M., Purnea, in connection with Janki Nagar P.S. Case No.06 of 2015, subject to the following conditions:

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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM

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

