

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42345 of 2022

Arising Out of PS. Case No.-207 Year-2019 Thana- PHULPARAS District- Madhubani

1. Jay Prakash Mahto Son of Prameshwar Mahto Resident of Village - Sainidih, P.S.- Phulparas, District - Madhubani.
2. Ganesh Mahto @ Gola Mahto @ Gola @ Ganesh Kumar Son of Ramprikshan Mahto Resident of Village - Sainidih, P.S.- Phulparas, District - Madhubani.
3. Kamal Mukhiya Son of Dhaneshwar Mukhiya Resident of Village - Sainidih, P.S.- Phulparas, District - Madhubani.
4. Binod Mukhiya @ Vinod Kumar Mukhiya Son of Dhaneshwar Mukhiya Resident of Village - Sainidih, P.S.- Phulparas, District - Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Gagan Dev Yadav, Advocate and Mr Ravi Prakash, Advocate
For the Opposite Party/s :		Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 323/307 and other allied sections of the Indian Penal Code.

Prosecution's case in short is that 44 named and 100/150 persons blocked NH 57 by keeping the dead body of one Jai Ram Mukhia on the road and when police tried to disperse the unlawful gathering, petitioners attacked them.

Learned counsel appearing for the petitioners submits that though petitioners are named in the FIR but no overt act



has been alleged against them. Petitioners have been named in this case by the local chaukidar and even nobody sustained injury. Similarly situated co-accused have already been allowed bail by a co-ordinate bench of this Court vide order passed in Cr.Misc.No. 86500/2019. Petitioners have got no criminal antecedent.

Considering the nature of allegation against the petitioners, in the event of arrest/surrender within six weeks from today, let the petitioners, named above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate II, Jhanjharpur, Madhubani in Phulparas Police Station Case No. 207 of 2019, subject to the conditions laid down under sections 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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