

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17496 of 2023

Arising Out of PS. Case No.-355 Year-2022 Thana- BALIYA District- Begusarai

1. LALAN MAHTO @ LALAN KUMAR S/o- LATE KAMAL DHARI MAHTO Village- Sanha Naya Tola Ps- Sahebpur Kamal, Dist- Begusarai
2. Karamdeo Mahto @ Karmdeo Prasad Singh Son of Late Shivrath Mahto Village- Sanha Naya Tola Ps- Sahebpur Kamal, Dist- Begusarai
3. Nago Mahto @ Nageshwar Mahto son of Late Ayodhya Mahton Village- Sanha Naya Tola Ps- Sahebpur Kamal, Dist- Begusarai
4. Mukesh Mahton @ Mukesh Singh Son of Late Suresh Mahto Village- Sanha Naya Tola Ps- Sahebpur Kamal, Dist- Begusarai
5. Chamroo Mahto Son of Late Suresh Mahto Village- Sanha Naya Tola Ps- Sahebpur Kamal, Dist- Begusarai
6. Hardeo Mahton son of Phuleshwar Mahto Village- Sanha Naya Tola Ps- Sahebpur Kamal, Dist- Begusarai
7. Ramdeo Mahto Son of Late Bauku Mahto Village- Sanha Naya Tola Ps- Sahebpur Kamal, Dist- Begusarai
8. Nand Kumar Mahto @ Nand Kumar Son of Kokay Mahto Village- Sanha Naya Tola Ps- Sahebpur Kamal, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate
For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Ballia P.S. Case No. 355 of 2022 under sections 147, 341, 323, 324, 504, 506, 379, 384, 427 of the Indian Penal Code lodged on 14.12.2022 by the informant Shahid.

As per the prosecution story, the accuseds came to the field of informant on 4.12.2022 and Nand Kumar Mahto and Hardeo Mahto started ploughing the land. When objected, they resorted to assault and Mukesh Mahto and Chamroo Mahto



pressed neck causing suffocation. Lalan Mahto demanded 'rangdari' and took Rs. 5000/- while Ramdeo Mahto and Nago Mahto forcibly took signature on stamp paper, they destroyed the crops worth Rs. 2 lacs. Hence the FIR.

It has been submitted by the learned counsel for the petitioners that due to enmity each and every member of the family has been implicated in this case. Further, from the order of the learned Sessions Judge, it is not clear whether what kind of injury the informant side suffered.

Learned APP opposes the prayer.

Considering the sole ground of inordinate delay of 10 days in lodging of the FIR, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Ballia P.S. Case No. 355 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with other conditions.

(i) one of the bailor should be the family member of



the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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