

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.814 of 2015

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1. Asharfi Mahto.
2. Sajawal Mahto.
3. Dharmendra Mahto.
4. Nandan Mahto @ Nandan Kumar. All sons of Dhaneshwar Mahto.
5. Prabha Devi, wife of Ahsarfi Mahto.
6. Anita Devi, wife of Dharmendra Mahto.
7. Madhuri Devi, wife of Dhaneshwar Mahto. All residents of village - Rampur Khajuria, P.S.-Dumariya Ghat, Dist.-East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mritunjay Prasad Singh, Advocate.
For the Opposite Party : Mr. Satyendra Nr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-05-2015 The petitioners are apprehending their arrest in connection with Dumariya Ghat P.S. Case No. 30 of 2014 for the offences instituted under Sections 147, 148, 323, 325, 341, 307, 379, 447, 504 and 506 of the Indian Penal Code.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that for the occurrence dated 25.03.2014 occurred in day time at about 3.30 P.M., the informant, Bagar Mahto has lodged the present F.I.R. against these petitioners-accused alongwith co-accused persons. In the F.I.R., basically, it is mentioned that on the date and time of occurrence the informant was at his door. In the meantime, all the accused



persons including these petitioners, who are pattidars of the informant, forming an unlawful assembly holding Lathi, Phatha, rod in their hands came and started putting hut on the purchased land of the informant. The informant protested it. On the order of accused Dhaneshar Mahto, all accused persons started causing assault to the informant by lathi, rod and Phatha. On hearing hulla, informant's son Kari Mahto and his wife and daughter-in-law came, then accused persons abused them and caused assault to them. The informant received hurt on his head and hand. The informant's daughter-in-law sustained fracture injury in her hand. The injured persons were treated in Sadar Hospital, Motihari. Accused Dhaneshar Mahto committed theft of Rs. 2000/- from the pocket of the informant and gold-chain from the neck of the informant's daughter-in-law.

It has been submitted on behalf of the petitioners that from perusal of the F.I.R., it appears that the occurrence is said to have taken place on 25.03.2014 but the present case has been instituted on 04.04.2014 and for the said delay no explanation has been made on behalf of the prosecution. It is further submitted that both parties are Pattidars and due to land dispute, the petitioners have falsely been implicated in the present case. Further it has been submitted that the allegation of assault is vague and omnibus.

Further it has been submitted that no specific injury has been attributed against the petitioners. It is further submitted that the petitioners have no criminal antecedent.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the fact that the F.I.R. has been instituted after a reasonable delay and for the said, no explanation has been made on behalf of the prosecution regarding delay in institution of the case, let the above named, petitioners, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Dumariya Ghat P.S. Case No. 30 of 2014 on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Sadar, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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