

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26969 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -HARIJAN PS. District- NALANDA
(BIHARSHARIFF)

=====

1. Radhe Mahto Son of Late Sukhdeo Mahto
2. Bikesh Mahto Son of Late Devendra Mahto
3. Siya Sharan Mahto Son of Balchand Mahto
All are resident of village - Gadarpura, Police Station Chandi, District -
Nalanda

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-07-2015 The petitioners are apprehending their arrest in connection with SC/ST P.S. Case No. 29 of 2015 for the offences instituted under Sections 341, 323, 504, 506, 325, 307, 447/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (x) of the SC/ST Act.

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

The prosecution story, in brief, is that on 26.03.2015 while son of the informant, namely, Papindra Paswan had gone to give milk in Dugdh Samity Garhanpura, the accused petitioner started abusing and assaulted him by fists and slaps. Thereafter,



son of the informant returned home and narrated about the occurrence to the informant who went to the Dugdh Samity to enquire into the matter upon which the accused persons assaulted by *iron rod* and *lathi*, abused and rushed to kill him but the informant fled away and saved his life. Again the accused persons along with their associates came at the house of the informant and started abusing and when the informant opposed the same, Bikesh Mahto assaulted by *rod* on his hand causing fracture injury in his hand and when the wife of the informant came to rescue him, Radhe Mahto assaulted by *lathi* on her left hand causing fracture injury in her finger and when his neighbour Kapil Manjhi came to rescue them, the accused petitioner also assaulted him by *lathi*, *iron rod* causing injury in his head.

It has been submitted on behalf of the petitioners that there is a specific allegation of assault against petitioner nos. 1 and 2. As far as petitioner no. 3 is concerned, there is no specific allegation of assault. It is further submitted that the petitioners have got no criminal antecedent.

On behalf of the State it has been submitted that there is specific allegation of assault against petitioner nos. 1 and 2.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to petitioner nos. 1 and 2.

If anyhow petitioner nos. 1 and 2 will surrender before the court below within a period of four weeks from today, the court below shall consider their case on its own merit without being prejudiced by this order and if possible, the same will be disposed of on the same day.

As far as petitioner no. 3 is concerned, there is no specific allegation against him, let above named petitioner no. 3, be released on bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with SC/ST P.S. Case No. 29 of 2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa (Nalanda), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Mahesh/-

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