

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37548 of 2014

Arising Out of PS.Case No. -38 Year- 2014 Thana -BELSAND District- SITAMARHI

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1. Bikku Mahto Son of Yugal Mahto
2. Rajendra Mahto @ Rajendra Kumar Mahto Son of Ram Dhyani Mahto
Both residents of village - Nanaura, Police Station - Belsand, District-
Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar

For the Opposite Party/s : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-03-2015 Heard both sides.

The petitioners apprehend their arrest in Belsand P.S. Case No. 38 of 2014, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

The informant alleged that the petitioners along with other accused persons came and Bikku Mahto petitioner no. 1 assaulted him with iron rod on his head. Rajendra Mahto @ Rajendra Kumar Mahto the petitioner no. 2 is also alleged to have assaulted the informant with iron rod which hit on the nose.

Shri Abhimanyu Sharma, the learned counsel for the petitioners submits that the doctor, of course, found two injuries one on the scalp and another on left side of forehead. The injury no. 2 is simple in nature. The doctor did not found any injury on nose of the informant.

The injury no. 1 is opined to be grievous in nature. It is further submitted that it would appear that on account of assault made by Rajendra Mahto @ Rajendra Kumar Mahto no injury was caused on the nose of the informant.

From the records, it appears that petitioner no. 1 Bikku Mahto assaulted the informant on his head and petitioner no. 2 Rajendra Mahto @ Rajendra Kumar Mahto is also alleged to have assaulted the informant on nose with iron rod. On account of assault made by Bikku Mahto injury on head was found to be grievous in nature.

Considering the facts aforesaid I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order and taking into consideration that on account of assault made by petitioner no. 2 Rajendra Mahto @ Rajendra Kumar Mahto no corresponding injury was found.

(Prabhat Kumar Jha, J.)

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