

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37199 of 2015

Arising Out of PS.Case No. -70 Year- 2015 Thana -JANDAHA District- VAISHALI(HAJIPUR)

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1. Ram Pravesh Mahto @ Ram Pravesh Kumar Mahto Son of Ram Lagan Mahto
 2. Hari Mahto, Son of Late Jamun Mahto
 3. Upendra Mahto, Son of Late Bahadur Mahto
 4. Shobha Devi @ Shobhiya Devi, wife of Hari Mahto
 5. Shanti Devi, Wife of Ram Lagan Mahto

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-09-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147, 148, 149, 341, 323, 324, 307, 504, 302 of the Indian Penal Code.

The prosecution case is that 11 accused persons including the petitioners came variously armed and started assaulting the informant and his brother Saroj Mahto. Thereafter, co-accused Ram Lagan Mahto assaulted on the head of the younger brother of the informant namely Raj Kumar @ Raja with 'farsa', who got unconscious and, subsequently,

succumbed to his injuries. The other brother of the informant namely Dilip Mahto was assaulted by petitioner no.2 Hari Mahto with 'farsa' on his head whereas petitioner no.1 Ram Pravesh Mahto assaulted the informant with 'lathi.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled and the accusation is not specific against all the petitioners. The omnibus and general accusation of assault levelled against the informant and his brother Saroj Mahto, whose injuries have been found to be simple in nature whereas the victim Raj Kumar @ Raja was assaulted by co-accused Ram Lagan Mahto. There is no specific accusation against petitioner nos. 3 to 5.

Since there is specific accusation of assault against petitioner nos. 1 and 2, let the learned Court below consider the prayer for regular bail of petitioner nos. 1 and 2, if they surrender within a period of six weeks Jandaha P.S. Case No.70 of 2015, pending before the learned CJM, Vaishali at Hajipur.

So far as petitioner nos. 3 to 5 are concerned, since there is no specific accusation against them and statement has been made in paragraph 3 of the petition that they have no criminal antecedent, it is a case for consideration of regular bail,

if they surrender within a period of six weeks in connection with Jandaha P.S. Case No.70 of 2015, pending before the learned CJM, Vaishali at Hajipur.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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