

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38825 of 2015

Arising Out of PS.Case No. -69 Year- 2015 Thana -CHARIABARIYARPUR District-
BEGUSARAI

- =====
1. Raja Mahton,
 2. Munna Mahton
- both sons of Ram Kripal Mahton

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Navin Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 05-10-2015 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341, 323, 307, 379, 504, 506/34, 325, 427 of the Indian Penal Code.

The prosecution case is that while the informant was getting his house constructed, the petitioners entered armed with 'lathi' when co-accused Ram Kripal Patel ordered to stop the construction work and started scattering the construction materials when wife of the informant namely Bulu Devi made protest then she was being assaulted by petitioner no.1 Raja Mahto with bricks causing injury on her jaw as a result her teeth got uprooted. It is further alleged that when son of the informant

came to rescue her mother then petitioner no.2 Munna Mahto assaulted with 'danda' whereas co-accused Ram Kripal Mahto assaulted the informant with iron rod. It is also alleged that petitioner no.2 Munna Mahton and petitioner no.1 Raja Mahton entered into the house of the informant, damaged house and took away Rs.25,000/- cash by breaking the lock of box.

It is submitted by learned counsel for the petitioners that though one of the injury of the informant's wife has been found to be grievous. Though there is counter version of the occurrence also wherein the petitioners' side have also received injuries but simple in nature.

Considering the fact that injury caused by petitioner no.1 Raja Mahton has been found to be grievous in nature, let the learned Court below consider the prayer for regular bail of petitioner no1, if he surrenders within a period of six weeks in connection with Chairiya Bariyarpur (Manjhaul) P.S. Case No.69 of 2015, pending before the learned ACJM, Manjhaul at Begusarai.

With the above observation, this application with respect to petitioner no.1 Raja Mahton is, accordingly, disposed off.

So far as petitioner no.2 Munna Mahton is

concerned, since there is counter version of the occurrence wherein petitioners' side has also received injury and statement has been made in paragraph 3 of the petition that petitioner has no criminal antecedent, let him be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Manjhaul at Begusarai in connection with Chairiya Bariyarpur (Manjhaul) P.S. Case No.69 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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