

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47524 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -DANDKHORA District- KATIHAR

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1. Atwari Mahto son of Jagdish Mahto
 2. Kalawati Devi wife of Jagdish Mahto
 3. Baspati Yadav son of Late Mahabir Yadav
 4. Mangod Yadav @ Mangod, son of Baspati Yadav

All resident of village- Maheshpur Patahara, P.S.- Dandkhora, District-
Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 30-10-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend arrest in Dandkhora P.S.
Case No. 39 of 2015 dated 15.07.2015 instituted under Sections
341/323/307/379/504/34 of the Indian Penal Code.

The allegation against the petitioner no. 1 is of
inflicting blow on the neck and head by '*dabia*' whereas against

petitioner no. 2 is of snatching silver chain while against all of them there is general and omnibus allegation of assault and abuse.

Learned counsel for the petitioners submits that they were replacing the bamboo screen on their own land where the other side had attacked them due to which there is also a counter case being Dandkhora P.S. Case No. 40 of 2015 dated 15.07.2015 for offence punishable under Sections 341/ 323/ 307/ 379/504/ 506/ 34 of the Indian Penal Code for the same occurrence in which petitioner no. 1 has received head injury. It is submitted that the petitioners' side had also received injury. Learned counsel submits that the petitioners have clean antecedent.

Learned A.P.P. submits that even if there was case and counter case but that would not give right to the petitioners to go on offensive. It is further submitted that the injury report corroborates the allegation against petitioner no. 1. However, he is not in a position to controvert the fact that against petitioners no. 2 and 3 the allegation is general and omnibus and against petitioner no. 2 also of snatching silver chain.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners no. 2, 3 and 4 be released on bail upon

furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in Dandkhora P.S. Case No. 39 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

The prayer for anticipatory bail of petitioner no. 1 stands rejected.

(Ahsanuddin Amanullah, J)

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