

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50415 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -SC/ST District- LAKHISARAI

- =====
1. Ashrafi Mahton S/o- Banbari Mahton
 2. Sharan Mahton S/o Late Ramdhani Mahton Both resident of village-Surari Imamnagar, P.S.- Halsi, District- Lakhisarai
- Petitioners

Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi
For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 21-12-2015 Petitioners apprehend their arrest in a case under Sections 341, 323, 504, 554, and 307/34 of the Indian Penal Code and under the SC & ST Act.

Allegation is that petitioner no. 1 on pretext of treatment started misbehaving with the informant Sumitra Devi and on resistance both petitioners assaulted her. It is further alleged that petitioner no. 2 assaulted the informant with iron rod.

Petitioners submit that there is a case and counter case and in fact wife of petitioner no.1 has already instituted a case against husband of informant and others of committing assault and theft. Further, no case under SC & ST Act would be made out as the occurrence took place inside the house and injury sustained by the informant was simple in nature, so offence

under Section 307 of the Indian Penal Code would also not be attracted against the petitioners.

Having regard to the fact that the occurrence took place inside the house, and there is a counter case and counter version of assault, I direct that in case petitioner no.1 (Ashrafi Mahton) surrenders within six weeks, he would be released on bail on furnishing bail bond of Rs.5,000/- with two sureties of the like amount each to the satisfaction of Shri Rajendra Das, Judicial Magistrate, 1st Class Lakhisarai in SC & ST in Lakhisarai, Police station Case No. 18/2015.

Petitioner no.2 (Sharan Mahton) is directed to surrender and seek regular bail within the said period, which would be disposed of on its own merit preferably on the same day, also taking into consideration that the injuries sustained by the informant are simple in nature.

(Samarendra Pratap Singh, J)

Shashi.

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