

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52961 of 2015

Arising out of PS .Case No. -521 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Prakash Mahto @ Om Prakash Mahto S/o Gopal Mahto
 2. Kedar Mahto S/o Gopal Mahto
 3. Kunti Devi W/o Uma Shanker Mahto
 4. Ganesh Mahto S/o Sitaram Mahto resident of village- Sapahi Sagara tola,
P.S.- Turkaulia, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. S.N. Shukla (APP)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 15-12-2015 Heard the parties.

The petitioners apprehend their arrest in connection with Turkaulia P.S. Case No. 521 of 2015 for the offences punishable under sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

The FIR is at Annexure-1 and charges these petitioners along with some others of assaulting the informant as well as his family members.

Mr. Pramod Kumar Pandey, learned counsel for the petitioners submits that the parties are on litigating terms and there are case and counter case in between them. The allegation set out



against the accused in the FIR charges the petitioner Kedar Mahto of assaulting the informant by a *Garasa* on the scalp which allegation stands supported by the injury report. Insofar as the petitioner Prakash Mahto @ Om Prakash Mahto is concerned, he is charged with assault by the *Dabiya* while the petitioner Kunti Devi is charged with assault on the neck of the informant with Taguli and petitioner Ganesh Mahto caught the petitioner during the assault.

Although the injury report reflects a scalp injury but insofar as the allegation against the petitioner Prakash Mahto @ Om Prakash Mahto is concerned, it has been made in a casual manner in the FIR and no injury is found on the neck of the informant.

In the circumstances discussed the prayer for anticipatory bail in respect of Kedar Mahto is rejected. He is directed to surrender before the court below and pray for regular bail which shall be considered and disposed of on its own merit.

Insofar as the petitioner no. 1 Prakash Mahto @ Om Prakash Mahto, petitioner no. 3 Kunti Devi and petitioner no. 4 Ganesh Mahto are concerned, let the petitioner no. (1) Prakash Mahto @ Om Prakash Mahto, petitioner no. (3) Kunti Devi and petitioner no. (4) Ganesh Mahto in the event of their arrest or

surrender within four weeks from today be released on bail upon each of them furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran and/or the court concerned in connection with Turkaulia Case No. 521 of 2015 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Application is allowed in part.

(Jyoti Saran, J)

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