

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35690 of 2015

Arising Out of PS.Case No. -76 Year- 2015 Thana -GARKHA District- SARAN

- =====
1. Niraj Mahto
 2. Suraj Mahto both are sons of Chandeshwar Mahto, residents of village- Paiga, P.S.- Bheldi, District- Saran at Chapra
 3. Niku Mahto son of Shiv Bachan Mahto, resident of village- Jalal Basant, P.s.- Garkha, District- Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Adv.

For the Opposite Party/s : Mr. A.L.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 03-11-2015 The Superintendent of Police, Saran at Chapra is present with the injury report and assured the Court that he would look into the matter so that no such latches would occur in future.

Heard both sides.

The petitioners apprehend their arrest in Garkha P.S. Case No. 76/2015, registered for the offences punishable under Section 307 and other sections of the Indian Penal Code.

The informant Rajendra Mahto named Niraj Mahto, Suraj Mahto and Niku Mahto along with other accused

persons and alleged that Niku Mahto assaulted his father with Khanti on his head and Shivbachan Mahto assaulted with iron rod causing injury on the hand of the father of the informant.

It is submitted that no specific allegation of assault is made against the petitioners Niraj Mahto and Suraj Mahto. The doctor found only three injuries, one injury on the frontal and second on upper radius and third injury in abrasion on hand. Injury nos. 1 and 2 found on the person of Dinesh Mahto, father of the informant are grievous.

Considering the facts aforesaid and the fact that no specific allegation of assault is made and only three injuries are found on the body of the father of the informant, the petitioner nos. 1, Niraj Mahto and 2 Suraj Mahto, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Garkha P.S. Case No. 76/2015, subject to the conditions as laid down under

Section 438(2) of the Cr. P.C.

So far as, the case of petitioner no. 3 Niku Mahto is concerned, he is alleged to have assaulted Dinesh Mahto with Khanti on his head causing fracture injury, I am not inclined to enlarge the petitioner no. 3 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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