

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51512 of 2015

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1. Vishwanath Mahto
2. Jagarnath Mahto Both are sons of Bhajju Mahto Both are Resident of
village - Harpur Pusa, P.S. Pusa, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Pandey

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.P.P.)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-12-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Pusa Case No. 62 of 2015 for the offences alleged under Sections
147, 148, 149, 323, 379, 427, 504 and 506 of the Indian Penal
Code and Sections 3(i)(x) of SC/ST Act.

The prosecution case, in brief, is that the informant
constructing his house under Indira Awas Scheme in the name of
his mother-in-law Geeta Devi and her husband Babloo Poddar
mother-in-law and Mistri were present. At about 01:30 of the day
on 14.07.2015 his co-villagers Ramnath Mahto, Shivnath Mahto,
Vishwanath Mahto (petitioner no.1), Jagarnath Mahto (petitioner
no.2), Devnath Mahto, Bhajju Mahto, Kaushalaya Devi, Usha



Devi, Manju Devi, Kranti Devi, Bipin Kumar armed with iron rod, bhala came there. Ramnath Mahto assaulted on the head of her mother in law with iron rod thereby causing laceration on her head. Bipin Kumar assaulted her and her grand mother-in-law Urmila Devi thereby causing laceration. She belongs to schedule caste and she has married Babloo Poddar. Vishwanath Mahto (petitioner no.1) and Jagarnath Mahto (petitioner no.2) abused her by calling her caste name and after breaking the door entered inside the house took box containing various articles. She was carried to the hospital.

It has been submitted on behalf of the petitioners that the matter relates to land dispute and a counter case has been filed by the mother of the petitioners bearing Pusa Case No. 61 of 2015, which was also related to land dispute. It has further been submitted that no case under Section 3(i)(x) of SC/ST Act is made out because the informant has married Babloo Poddar and Section 379 IPC has been deliberately inserted to make out a case of non-bailable offence. Furthermore, It has been asserted that allegations are omnibus and general in nature.

Be that as it may, let the above named petitioners, in the event of their arrest/surrender before the court below within six weeks from today be released 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 Sri Sankash Chandra, learned Judicial Magistrate, 1st Class, Samastipur, in connection with Pusa P.S. Case No. 62 of 2015, subject to the conditions as laid down u/s 438(2) Cr.P.C.

However, it is made clear that since the petitioners have two more cases pending against them i.e (i) Pusa P.S.Case No.45 of 2015 and (ii) Pusa P.S.Case No. 20/2015 for similar offences if the petitioners are involved in case of similar nature in future, the learned court below will be a liberty to cancel their bail bonds without being prejudiced by this order.

(Nilu Agrawal, J)

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