

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5821 of 2015

Arising Out of PS.Case No. -44 Year- 2014 Thana -MAHILA P.S. District- LAKHISARAI

- =====
1. Mahesh Mahto @ Mahesh Mahton Son of Late Brahmdev Mahto
 2. Rahul Kumar @ Pampam Son of Tarun Kumar
 3. Pintu Kumar Son of Tarun Kumar

Both are Resident of village - Garhi Bishunpur, P.S. Piri Bazar, District -
Lakhisarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 11-02-2015 Heard both sides.

The petitioners apprehend their arrest in a case registered under Section 354(A) and other sections of the Indian Penal Code.

The informant made allegations that the accused persons abused her and striped her clothes while she was washing utensils on a well. The accused persons also assaulted her with fits and slaps.

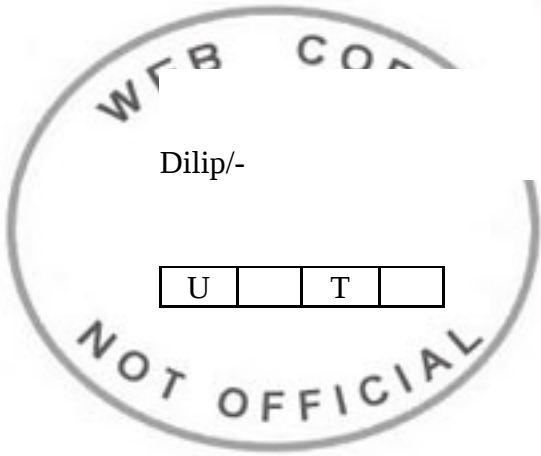
Learned counsel for the petitioners submits that the occurrence is of 08.12.2014, but the F.I.R. was lodged on 11.12.2014. No occurrence, as alleged by the informant, had taken



place. Mahesh Mahto, petitioner no. 1, filed Case No. 06/2014-15 before the Gram Kutchary, Maheshpur, Suryagadha, Lakhisarai. Ajay Kumar, Prahalad Mahto and Anil Mahto are the defendants. Prahalad Mahto is the husband of the informant. Mahesh Mahto, petitioner no. 1, made prayer for partition of homestead land. The petitioners and the informant are co-sharers. The case was disposed of with a direction that there appeared to be disputed question of partition of homestead land between the parties and the parties were directed to approach the competent civil court for partition of the land. Thereafter, the present case has been lodged only to put pressure.

On consideration of the facts aforesaid that the petitioners and the husband of the informant are co-sharers and they are fighting with each other for partition of homestead land and the case is lodged after three days of the occurrence, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing 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, Lakhisarai in Mahila P.S. Case No. 44/2014, subject to the conditions as laid

down under Section 438(2) of the Code of Criminal Procedure.



Dilip/-

(Prabhat Kumar Jha, J)