

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40496 of 2015

Arising Out of PS.Case No. -11 Year- 2015 Thana -SAHODARA District- WEST CHAMPARAN
(BETTIAH)

- =====
1. Nand Kishore Mahto, Son of Chokat Mahto,
2. Jangali Mahto, Son of Tulsi Mahto,
3. Shivdutt Mahto, Son of Late Gopal Mahto,
All are resident of Village - Dhamaura, P.S. - Sahodra, District - West
Champaran.
4. Biga Mahto, Son of Late Palat Mahto,
5. Sahdeo Mahto, Son of Late Anup Mahto,
Both are Resident of Village - Bhatani, P.S. Sahodra, District - West
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr. M.K. Khare (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-11-2015 Heard both sides.

The petitioners, five in number, apprehend their arrest in a case under Section 307 and other sections of the Indian Penal Code.

The informant alleged that all the accused persons came and Jangali Mahto (petitioner no. 2) and Ram Narayan Mahto put him down on the ground and Nand Kishore Mahto

(petitioner no. 1) assaulted him with a spade on his head. Corresponding injury on the head of the informant is found. No specific allegations are made against petitioners no. 3, 4 & 5, namely, Shivdutt Mahto, Biga Mahto and Sahdeo Mahto. The informant got one injury on his head and other injuries on different parts of his body which are simple in nature. Nature of injury no. 1 is not defined but the author of the said injury is Nand Kishore Mahto (petitioner no. 1). There is land dispute between the parties.

Considering the facts aforesaid, the above named petitioners no. 2 to 5, namely, Jangali Mahto, Shivdutt Mahto, Biga Mahto and Sahdeo Mahto, 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 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, West Champaran at Bettiah in Sahodra P.S. Case No. 11/15, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the petitioner no. 1, namely, Nand Kishore Mahto, is concerned, petitioner no. 1 is alleged to have assaulted the informant with a spade, I am not inclined to enlarge the above

named petitioner no. 1 on anticipatory bail in Sahodra P.S. Case
No. 11/2015. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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