

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31121 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -BASANTPUR District- SIWAN

- =====
1. Rojhani Devi Wife of Hira Lal Mahto
 2. Satyendra Mahto @ Satendar Mahto Son of Laxman Mahto
 3. Raj Kumar Mahto Son of Hira Lal Mahto
 4. Dipak Mahto Son of Ram Sagar Mahto All Resident of village - Bithuna, Police Station - Basantpur, District - Siwan

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.32735 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -BASANTPUR District- SIWAN

- =====
1. Munna Mahto Son of Khedan Mahto,
 2. Binod Mahto, Son of Khedan Mahto, Both Resident of Village - Bithuna, Police Station - Basantpur, District - Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.31121 of 2015)

For the Petitioners : Mr. Bijay Prakash Singh, Advocate.

For the Opposite Party : Ms. Sharda Kumari, (App)

(In Cr.Misc. No.32735 of 2015)

For the Petitioners : Mr. Bijay Prakash Singh, Advocate.

For the Opposite Party : Mr. Bhanu Pratap Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

5 23-11-2015 Heard both sides.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code. Later on, Section 302 of the

Indian Penal Code was added.

The informant made allegation that on the order of Anil Mahto, Binod Mahto assaulted his brother with Pharsa on his head and Rajkumar Mahto assaulted him with Lathi. Other accused persons also assaulted with Lathi. When Raj Kali Devi, the wife of the deceased, came to save the accused persons also assaulted her and took out ornaments from her possession.

It is submitted that no specific allegation is made against the petitioners Rojhani Devi and Dipak Mahto. Munna Mahto has already been granted anticipatory bail vide order dated 18.08.2015 passed in Cr. Misc. No. 32735 of 2015. The specific allegation of assault is against Binod Mahto that he assaulted the deceased with Pharsa on his head. While the deceased was taken to hospital, no information was given to police station for two days.

It appears that the informant made very specific allegation against Rajkumar Mahto and Binod Mahto that Binod Mahto assaulted the deceased with Pharsa on his head and Rajkumar Mahto assaulted him with Lathi. The informant further alleged that other accused persons also assaulted him with Lathi. When the wife of the deceased came to save, the accused persons also assaulted her. From perusal of the post-mortem report, it

appears that one stitch wound was found on the head and six other injuries were found on different parts of the body of the deceased.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners Satyendra Mahto @ Satendra Mahto, Raj Kumar Mahto and Dipak Mahto (in Cr. Misc. No. 31121 of 2015) and Binod Mahto (in Cr. Misc. No. 32735 of 2015) on anticipatory bail. Accordingly, the same is rejected.

So far as the case of Rojhani Devi, (Petitioner No. 1 in Cr. Misc. No. 31121 of 2015) is concerned, she is a lady and no specific allegation of assault is made against her, she, in the event of her 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) with two sureties of the like amount each to the satisfaction of Shri M.K. Srivastava, the learned Judicial Magistrate, Siwan in Basantpur P.S. Case No. 36 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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