

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3587 of 2016

Arising Out of PS.Case No. -884 Year- 2015 Thana -SITAMARHI District- SITAMARHI

1. Kishun Mahto son of Late Methur Mahto
2. Suraj Kumar son of Kishun Mahto
Both R/o Village- Punaura, P.S. & District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Subash Chandra Mishra (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-01-2016 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 448, 323, 324, 354, 379, 504/34 of the Indian Penal Code.

The prosecution case is that for a dispute with regard to taking water from the hand pump the accused persons came and petitioner no. 1 Kishun Mahto caught hold the hair log of the wife of the informant and dragged towards door and torn her blouse and saree. When the informant went to rescue, then all accused persons



started assaulting the informant with iron rod. It is specifically alleged that petitioner no. 1 assaulted the informant with iron rod and also assaulted the wife of the informant. Petitioner no. 2 Suraj Kumar assaulted the informant with dagger on his right cheek. It is further alleged that co-accused Dhiraj Kumar took out watch of the informant and the accused persons also destroyed the household articles of the informant.

It is submitted by the learned counsel for the petitioners that for a petty dispute accusation has been levelled. The injury report of the wife of the informant suggests no injury. So far as informant is concerned, he received lacerated injury marginal size simple in nature, caused by hard and blunt substance. Petitioner no. 2 assaulted with dagger on his right cheek. There is counter version of the occurrence. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the accusation being not corroborated by the medical opinion, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 884 of 2015, subject

to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



(Dinesh Kumar Singh, J)