

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9837 of 2016

Arising Out of PS.Case No. -121 Year- 2013 Thana -HATHAURI District- SAMASTIPUR

- =====
1. Ramprit Mahto, Son of Late Rameshwar Mahto
 2. Ram Pravesh Mahto, Son of Late Rameshwar Mahto
 3. Ravindra Mahto Son of Late Rameshwar Mahto
 4. Ram Kumar Mahto Son of Chalitra Mahto and
 5. Pawan Mahto Son of Chalitra Mahto All are resident of Village-
Lakshaminiya, Police Station- Hathauri (Shivajinagar) District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar

For the Opposite Party/s : Mr. Arun Kr.Singh 5(App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

2 20-04-2016 Learned counsel for the petitioners seeks

permission to withdraw the application of petitioner nos.2 and 4

since both have been arrested during the pendency of this bail

application.

Such permission is accorded.

Accordingly, the bail application of petitioners no.

2 and 4 is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 1, 3

and 5 and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection

with Hathauri (Shivajinagar) P.S. Case No. 121 of 2013 registered

under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

The accusation is that 6 persons named in the F.I.R. including the petitioners reached at the door of the informant Bhola Yadav armed with lathi, danda, rod, axe and spade and started to abuse. When his brother Suresh Yadav made protest, he was assaulted by petitioner no.1 Ramprit Mahto with axe on his head. In that course, informant and his wife Sunita Devi came to save him, they were also assaulted by stick, iron rod, spade.

Learned counsel appearing on behalf of the petitioners no.1, 3 and 5 submits that in fact, some altercation took place due to land dispute in which both parties have sustained slight injuries. It is also submitted that while there is specific allegation against the petitioner no.1 to cause injury to the brother of the informant Suresh Yadav but the injuries was found simple in nature. Moreover, defence party including the petitioner no.1 has also sustained injury in the said occurrence, regarding which Hathauri (Shivajinagar) P.S. Case No. 117 of 2003 is instituted on the basis of the written report of Ram Pravesh Mahto, petitioner no.2.

Having considered the facts and circumstances of the case, let the petitioners no. 1 Ramprit Mahto, 3 Ravindra

Mahto and 5 Pawan Mahto, be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Rosera, Samastipur the in connection with Hathauri (Shivajinagar) P.S. Case No. 121 of 2013, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J)

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