

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45607 of 2016

Arising Out of PS.Case No. -233 Year- 2016 Thana -BARARI District- KATIHAR

=====

1. Manohar Mahto
2. Ranjeet Mahto, both sons of Ram Kewal Mahto.
3. Ram Kewal Mahto
4. Chamak Lal Mahto, both sons of Late Ganauri Mahto.
All resident of Village- Pokhar Tola Barari, P.S. Barari, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mr. Rajballabh Singh, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 26-10-2016

It has been submitted by the learned counsel

for the petitioners that petitioner No. 4 has since been arrested,
hence, this application, as against him, has become infructuous.

Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners apprehend arrest in connection with
Barari P.S. Case No. 233/16 for offences alleged under Sections
341, 323, 354, 379, 307, 504/34 of the Indian Penal Code.

Allegation is that when informant was working
in the field of one Dilip Jha, petitioner No. 1 came there, abused
her and also assaulted her. Thereafter she returned back to her
house. After some time, petitioners and others armed with *lathi*

came there and started assaulting her. When her two sons came to save her they were also assaulted. Petitioner No. 3 also snatched Rs. 3,000/- from the pocket of her son and petitioner No. 1 snatched her silver chain. They also threatened her of dire consequences.

It has been submitted by the learned counsel for the petitioners that they are innocent and have falsely been implicated in the aforesaid case. He submits that for the same occurrence, on the same day, petitioners have also lodged First Information Report against the informant side bearing Barari P.S. Case No. 234/16 in which both sides received injuries. He further submits that the injury on the informant has been found to be simple in nature, hence, no case under Section 307 of the I.P.C. is made out against the petitioners.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there is case and counter-case and the injury having been found to be simple, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten

thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-V, Katihar, in connection with Barari P.S. Case No. 233/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

U		T	
---	--	---	--