IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41282 of 2016

Arising Out of PS.Case No. -99 Year- 2016 Thana -PAHARPUR District- EASTCHAMPARAN(MOTIHARI)

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1. Mukti Mahto, Son of Late Bhuwali Mahto,
2. Indrajeet Mahto, Son of Late Bhuwali Mahto,
3. Tarkeshwar Mahto, Son of Late Bhuwali Mahto,
4. Janakdeo Mahto, Son of Late Sheodhari Mahto,
5. Bhagwat Mahto, Son of Late Sheodhari Mahto,
6. Munna Mahto, Son of Bhagwat Mahto,
7. Srikant Mahto, Son of Bhagwat Mahto,
8. Mohanlal Mahto @ Mohan Lal Mahto, Son of Bhagwat Mahto,
9. Lalbabu Mahto @ Lalbabu Prasad, Son of Janardhan Mahto, All are resident of Village- Sohariya, P.S.- Paharpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ansul, Adv.
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 06-12-2016 Heard both sides.

The petitioners apprehend their arrest in Paharpur P.S. Case No. 99/2016, registered for the offences punishable under Section 307 and other sections of the Indian Penal Code.

The informant alleged that while his son was returning to his house from market, ten accused persons including nine petitioners surrounded him. On alarm he went there to save his son, but Mukti Mahto petitioner no. 1 assaulted the informant with Farsa on his head. Srikant Mahto petitioner no. 7 assaulted Varun

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Kumar the son of the informant with Farsa on his head. It is further alleged that all the accused persons indiscriminately assaulted the informant and his son.

Mr. Ansul learned counsel for the petitioner submits that Tarkeshwar Mahto petitioner no. 3 is the informant of Paharpur P.S. Case no. 113/2016 registered under Section 324 and other sections of the Indian Penal Code. Petitioners were also brutally assaulted by the informant and others. There is counter version. Since the petitioner Tarkeshwar Mahto went at M.J.K. hospital Bettiah where his fardbeyan was recorded on 23.05.2016 itself, but the case was registered on 11.06.2016. There is only specific allegation against Mukti Mahto and Srikant Mahto. There is no specific allegation against other accused persons, but from perusal of the injury report of the informant Abhimanyu Singh and his son Varun Kumar, it appears that the informant got as many as 07 injuries out of which injury no. 1 and 2 are grievous. Varun Kumar son of the informant has got 05 injuries and all the injuries are simple in nature, but it appears that there is allegation that all the accused indiscriminately assaulted the informant and his son, when they fell down after being assaulted by Mukti Mahto and Srikant Mahto and corresponding injuries are found, whereas Tarkeshwar Mahto petitioner no. 3 and others from his side got

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simple injuries.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioners so advised surrender in the court below, learned court below shall consider the prayer for regular bail of the petitioners taking into consideration that save and except specific allegation against Mukti Mahto and Srikant Mahto, there is no specific allegation against other accused persons and dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J.)

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