

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20803 of 2016

Arising Out of PS.Case No. -168 Year- 2015 Thana -SALKHUA District- SAHARSA

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1. Sagar Mahton Son of Ramdhani Mahton
 2. Soma Mahton @ Soma Kumar
 3. Makho Mahton @ Makho Kumar
 - Both sons of Sagar Mahton l
 4. Vijay Mahton Son of Nago Mahton
 5. Golhiya devi Wife of Sagar Mahton
 6. Lali devi daughter of Sagar Mahton
 7. Chandra Surya Kumar Daughter of Sagar Mahton
 8. Nago Mahton Son of late Maiharchan Mahton
- All are resident of Village- Sahuriya, Basahi (Kachahari Tola), PS Salkhua,
District Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate.
For the Opposite Party/s : Mr. Sadanand Paswan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-05-2016 Heard both sides.

The petitioners, eight in number, apprehend their arrest in a case under Sections 147, 148, 149, 323, 324, 341, 307, 379, 504 of the Indian Penal Code and Section 3(x) of the SC/ST (Prevention of Atrocities) Act.

The informant named all the petitioners and alleged that Sagar Mahton (petitioner no. 1) was grazing she-buffalo and goat in the field of the informant and, on protest, the accused persons surrounded him; Sagar Mahton assaulted him with spade on his shoulder and Vijay Mahton (petitioner no. 4) caused injury

with a sharp-edged weapon in his abdomen. It is submitted that no specific allegation of assault is made against any other petitioners. There is a counter-version. The case is compromised. The nature of injury found in the abdomen of the informant was kept reserved but later on the doctor opined the same to be simple but dangerous.

Having considered the fact that no specific allegation of assault is made against any other accused persons except petitioner no. 1 and 4, namely, Sagar Mahton and Vijay Mahton and Sagar Mahton assaulted causing simple injury on the shoulder of the informant but Vijay Mahton caused injury on the vital part of the body of the informant and the doctor also opined the injury to be simple but dangerous to life, I am not inclined to enlarge the petitioner no. 4, namely, Vijay Mahton on anticipatory bail in Salkhua P.S. Case No. 168 of 2015. Accordingly, the same is rejected.

So far as petitioners no. 1, 2, 3, 5, 6, 7 & 8 namely, Sagar Mahton, Soma Mahton @ Soma Kumar, Makho Mahton @ Makho Kumar, Golhiya Devi, Lali Devi and Chandra Surya Kumari and Nago Mahton are concerned, there is no specific allegation of assault against them except Sagar Mahton but the injury caused by Sagar Mahton is opined by the doctor to be

simple in nature.

Considering the facts aforesaid, petitioners no. 1, 2, 3, 5, 6, 7 & 8 namely, Sagar Mahton, Soma Mahton @ Soma Kumar, Makho Mahton @ Makho Kumar, Golhiya Devi, Lali Devi and Chandra Surya Kumari and Nago Mahton, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri S. Kumar, Judicial Magistrate, 1st Class, Saharsa in Salkhua P.S. Case No. 168/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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