

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50365 of 2016

Arising Out of PS.Case No. -325 Year- 2016 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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1. Ram Gyan Mahton.
2. Ram Nandan Mahton.
3. Ram Bilas Mahton.
4. Sahab Mahton.
5. Mukesh Mahton. All are Sons of Late Ram Bharoj Mahton.
6. Kishundeo Mahton @ Kishundeo Kumar, Son of Ram Bilas Mahton.
7. Raj Kumar, Son of Ram Bilas Mahton.
8. Kundan Kumar @ Kundan Mahton, Son of Saheb Mahton All residents of Village : - Navtolia Sankh, P.S. : - Muffasil, District : Begusarai.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : M/S. Surendra Kishore Thakur, Brajesh Kumar Singh and Mrs. Y. Madhavi, Advocates.

For the State : Mr. Rajendra Prasad Nat, A.P.P.

For the informant : Mr. Rabindra Kumar Priyadarshi, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-12-2016 A supplementary affidavit has been filed on behalf of learned counsel for the petitioners. The same may be kept on the record.

Heard learned counsels for the petitioners, informant and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Mufassil P.S. Case No. 325 of 2016 for the offences instituted under Sections 147, 148, 149, 341, 323, 337,



325, 307 and 504 of the IPC.

The prosecution story, in brief, is that on 11.08.2016 at about 11.00 A.M., while the informant was nursing his flower plant in his garden, his brother Bhajan Mahton broke the branches of Andi Plant of Bangali Mahton which was laying upon the flower plant of the informant then Ram Gyan Mahton came and started abusing and the petitioners and co-accused Chandan Mahto, Lallan Mahton, Deepak Mahton, Sharvan Kumar and Vinod Kumar assaulted the informant and his brother. The family members of the informant came to rescue them then Chandan Mahton gave a spade blow on the neck of Saraswati Devi with intention to kill which hit on her back. Other accused persons assaulted with Lathi, bricks etc., as a result of which, the informant Ujagar Mahton and Ram Bhajan Mahton sustained head injury. Bachhan Mahton sustained hand injury. The reason of occurrence is land dispute.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is a case and counter-case. The injuries caused on the petitioners' side has not been explained by the prosecution which creates doubt on the conduct of the informant.



On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Mufassil P.S. Case No. 325 of 2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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