

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27185 of 2016

Arising Out of PS.Case No. -115 Year- 2016 Thana -MARHAURA District- SARAN

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1. Rameshwar Mahto, Son of Mahanth Mahto
 2. Ganesh Mahto, Son of Chandrika Mahto
 3. Sudhir Kumar Mahto @ Sudhir Kumar, Son of Ganesh Mahto
 4. Vikash Kumar, Son of Kameshwar Mahto
- All are resident of Village – Dhenuki P.S. – Marhaurah, District – Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhaw Prasad Yadaw

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 05-07-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307 and 504 of the Indian Penal Code.

The prosecution case is that on 15.03.2016 at 7.30 P.M. the informant asked co-accused Kameshwar Mahto as to why he blocked the road by putting hut then Kameshwar Mahto called the other accused persons including the petitioners who came with lathi, danda and iron rod and assaulted the informant when he fell down co-accused Gupt Mahto and

petitioner no. 2 Ganesh Mahto assaulted with iron rod causing injury on his head. On his alarm his wife Meena Devi, brother Shyamdeo Mahto and son Raju Kumar came to rescue then they were also assaulted. It is alleged that petitioner no. 3 Sudhir Mahto and petitioner no. 4 Vikash Mahto took away rupees thirty five thousand and clothes.

It is submitted by learned counsel for the petitioners that only three persons received injuries but son of the informant Raju Kumar did not receive any injury. The injuries of the informant, his wife and brother have been found to be superficial simple in nature. Statement to that effect has been made in paragraph 10 of the petition, which reads as follows:-

“That the injury of informant Bhagelu Mahto, his wife Meena Devi, and brother Shyamdeo Mahto are simple in nature. It appears his son Raju Mahto did not receive any injury.”

It is further submitted that there is a counter version of the occurrence also and a statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the

event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2nd, Saran at Chapra in connection with Marhaurah P.S. Case No. 115 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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