

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25503 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -SAHARGHAT District- MADHUBANI

1. Bhogendra Mahto Son of Nathuni Mahto
2. Rajendra Mahto Son of Nathuni Mahto
3. Nathuni Mahto Son of late Khatter Mahto
4. Pachhiya Devi Wife of Bhogendra Mahto
5. Sabitri Devi Wife of Devendra Mahto All are Resident of Village- Pakri,
PS Saharghat, District Madhubani.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Sri Sanjay Kumari Tiwary 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-07-2016

Heard learned counsel for the parties.

The petitioners are apprehending their arrest in a case registered for the offence punishable under sections 147, 149, 448, 323, 302, 504 of the Indian Penal Code.

Prosecution case is that there was a Panchayati convened with regard to fodder being taken from the house of the informant. When after the members of Panchayat left the scene, co-accused Devendra Mahto came and started abusing the informant's side. On protest being made six accused persons including the petitioners came and started assaulting the husband of the informant. When the informant went to rescue her husband alongwith seven months old daughter Raushani Kumari then

Devendra Mahto assaulted with lathi to the informant and during assault made by Devendra Mahto the daughter of the informant received injuries and subsequently, she succumbed to the injuries.

It is submitted by the learned counsel for the petitioners that the accusation of assault to the husband of the informant is omnibus and general against six persons including the petitioners. The First Information Report does not reflect that any injury was caused to the husband of the informant and the accusation of assaulting the daughter of the informant is specific against Devendra Mahto, who is not the petitioner before this Court. There is no injury report of the informant's husband on record.

Considering the facts and circumstances, let the petitioners, abovenamed, be released on provisional anticipatory bail for three months, in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub-divisional Judicial Magistrate, Benipatti in Saharghat P.S.Case No. 14/2016, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The learned court below will examine from the record and if it is found that the husband of the informant has not received

any grievous injury, then the provisional bail of the petitioners will be confirmed, otherwise the petitioners will surrender before the learned court below and pray for regular bail.

(Dinesh Kumar Singh, J)

Surendra/-

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