

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29867 of 2016

Arising Out of PS.Case No. -116 Year- 2015 Thana -RAJEPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mahavati Devi Wife of Lakhu Mahto
 2. Rekha Devi Wife of Satya Narayann Mahto
 3. Shohita Devi @ Shobhita Devi Wife Lakhindra Mahto
 4. Shanti Devi Wife of Jitu Mahto
 5. Birju Mahto Son of Ruplal Mahto
 6. Satya Narayan Mahto Son of Lte Ruplal Mahto
 7. Manoj Mahto @ Manoj Kumar Mahto Son of Late Chalitar Mahto
 8. Ruplal Mahto Son of Late Bhajan Mahto All residents of village -
Madhuaha, P.S. Rajepur, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Sri Satyavarat Verma, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 08-09-2016 Heard both sides.

The petitioner eight in numbers apprehend their arrest in Rajepur P.S. Case No. 116/2015, registered for the offences punishable under Sections 307, 302 and other sections of the Indian Penal Code.

Sikindra Mahto the informant alleged that when his father went to protest the construction of the house by the accused persons, Lakhendra Mahto and Lakhu Mahto assaulted Chandeshwar Mahto father of the informant with Farsa on his

head. It is further submitted that the accused persons assaulted the informant, Sunita Devi sister-in-law of the informant and brothers Opindra Mahto and Dharmendra Kumar. The father of the informant died during the treatment.

Learned counsel for the petitioners submits that Mahavati Devi petitioner no. 1, Rekha Devi petitioner no. 2, Shohita Devi petitioner no. 3, and Shanti Devi petitioner no. 4 are the ladies and no specific allegation is made against them. Only one injury was found on the person of the deceased Chandeshwar Mahto. The informant his sister-in-law and Opindra Mahto also got injuries, but the injuries are simple in nature.

On the other hand, learned counsel for the informant as well as learned A.P.P. opposed the prayer for anticipatory bail of the petitioners and submitted that the accused persons are alleged to have assaulted the deceased and other family members.

Considering the facts aforesaid and the fact that no specific allegation of assault is made against Mahavati Devi petitioner no. 1, Rekha Devi petitioner no. 2, Shohita Devi petitioner no. 3, and Shanti Devi petitioner no. 4 who are ladies, they are in the event of their arrest or surrender before the 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 Sub-Divisional Judicial Magistrate, Sadar Motihari in connection with Rajepur P.S. Case No. 116/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

So far as the case of petitioner no. 5, 6, 7 and 8 are concerned, there is allegation that they assaulted the deceased, informant and other family members. Of course only one injury was found on the head of the deceased Chandeshwar Mahto on account of which he died, but the informant his brothers and sister-in-law were also injured.

Considering the facts aforesaid, I am not inclined to enlarge Birju Mahto petitioner no. 5, Satya Narayan Mahto petitioner no. 6, Manoj Mahto petitioner no. 7 and Ruplal Mahto petitioner no. 8 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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