

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13646 of 2017

Arising Out of PS.Case No. -266 Year- 2016 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Durga Kumar Mahto @ Durga Mahto, S/o Rameshwar Mahto.
2. Bhim Kumar @ Bhim Mahto, S/o Nathu Mahto,
3. Nathu Mahto, S/o Sitaram Mahto
4. Arjun Mahto, S/o Nathu Mahto,
All Resident of Village- Ojhwalia, P.S.- Jogapatti, District- West
Champaran.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjeev Kumar, Advocate
For the Opposite Party : Smt. Asha Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 03-05-2017 Heard learned counsel for the petitioners, learned

counsel for the informant and the learned counsel representing the

State.

The petitioners apprehend their arrest in connection
with Jogapatti P.S. Case No. 266 of 2016, registered for the
offences punishable under Sections 147, 148, 149, 323, 324, 379,
307 and 504 of the Indian Penal Code.

On behalf of the petitioners it is submitted that there
is case and counter case, both sides have received injury as there
was free fight between the parties, all the injuries caused in this
case has been found simple in nature by the doctor caused by hard
and blunt substance. The allegation under Section 379 of the
Indian Penal Code is super addition and ornamental. In the case



lodged by the petitioner no.2, the accused persons have been allowed pre arrest bail vide Cr. Misc. No. 1594 of 2017 by another co-ordinate bench of this Court and as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that the petitioners have caused injury intentionally on vital part of the body and, as such, the petitioners do not deserves pre-arrest bail.

In the facts and circumstances as stated above, considering that all the injuries have been found simple in nature and, as such, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Jogapatti P.S. Case No. 266 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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