

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46946 of 2016

Arising Out of PS.Case No. -142 Year- 2016 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Teji Mahto.
2. Megha Mahto.
3. Bhuar Mahto. All sons of Late Dwarika Mahto.
4. Bhushan Mahto, son of Teji Mahto. All are resident of Village- Noneya Mishir Tola, Police Station- Paharpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the State : Dr. Ajeet Kumar
For the informant : Mr. V .S. Shrivastava

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 18-01-2017 Heard the learned counsel for the petitioners, the learned counsel for the informant and the learned Additional Public Prosecutor.

The petitioners apprehend their arrest in Paharpur P.S. case No. 142 of 2016 under Section 307 and other Sections of the Indian Penal Code.

The informant, Munni Lal Mahto, alleged that on 24.07.2016, while he was sitting on his Darwaja, Teji Mahto, petitioner No.1, Megha Mahto, petitioner No.2, Biran Mahto, Bhuar Mahto, petitioner No.3, and Bhushan Mahto, petitioner No.4, having armed with different weapons came. Megha Mahto



is alleged to have assaulted the informant with Farsa on his head. Teji Mahto is alleged to have assaulted the informant with iron rod. Bhuar Mahto and Bhushan Mahto are alleged to have assaulted the informant with fists and slaps.

The learned counsel for the petitioners submits that prior to lodging of this case Paharpur P.S. case No. 122 of 2016 was lodged by Biran Mahto against the informant and others. The informant also lodged Paharpur P.S. case No. 121 of 2016. The occurrence took place due to dispute with regard to drainage. Injury on the head of informant is opined to be grievous, author of which is Megha Mahto. Teji Mahto assaulted the informant with iron rod but the injury is simple in nature. Bhuar Mahto and Bhushan Mahto also assaulted the informant with fists and slaps but no corresponding injury was found.

The learned counsel for the informant, however, opposed the prayer for anticipatory bail.

Considering the fact that on account of assault made by Megha Mahto, petitioner No.2, with Farsa on the head of informant, grievous injury is caused, I am not inclined to enlarge the petitioner No.2 on anticipatory bail. Accordingly, the same is rejected.

So far as case of petitioners No.1. Teji Mahto, 3.



Bhuar Mahto and 4. Bhushan Mahto is concerned, they are alleged to have assaulted with iron rod and fists and slaps but the injuries are simple in nature. Both the sides are on litigating terms on account of dispute with regard to drainage.

Considering the facts aforesaid and the nature of allegations made against the petitioners No. 1, 3 to 4, the above named petitioners, in the event of their arrest or surrender before the learned 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in Paharpur P.S. Case No. 142 of 2016 (G.R. No. 3670 of 2016), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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