

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51637 of 2017

Arising Out of PS.Case No. -63 Year- 2017 Thana -SAHODARA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Birendra Mahto, S/o Late Anrurag Mahto,
 2. Rakesh Mahto S/o Surendra Mahto,
 3. Baliram Mahto S/o Birendra Mahto,
 4. Santosh Mahto S/o Birendra Mahto, All R/o Dewad Kata Tola, P.S.-
Sahodara, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 09-11-2017

Heard learned counsel for the petitioners

and the learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307 and 379 of the Indian Penal Code.

The prosecution case is that petitioner no. 1 Birendra Mahto and co-accused Surendra Mahto assaulted with iron rod to the nephew of the informant, namely, Sunil. When the sister-in-law (Bhabhi) of the informant went to rescue she was being also assaulted when the informant went to rescue then he was assaulted with iron rod by petitioner no. 1 Birendra



Mahto on his head and nose and the accused persons also assaulted the other family members of the informant.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. Except the informant, who received one grievous injury, the injury of the nephew of the informant and other injured have been found superficial simple in nature. The petitioners' side earlier filed Complaint Case No. 2753(C) of 2013, the trial of which is at evidence stage, hence, to put pressure upon the petitioners, maliciously the present case has been lodged. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Learned APP submits that the accusation of assault is specific against petitioner no. 1 Birendra Mahto and co-accused Surendra Mahto.

Considering the fact that the specific accusation of assault to the informant is against petitioner no. 1 Birendra Mahto, who has received one grievous injury, this Court is not inclined to grant anticipatory bail to petitioner no. 1 Birendra Mahto. Let the learned Court below consider the prayer for regular bail of petitioner no. 1 without being prejudiced by the order of this Court, if petitioner no. 1 surrenders before the



learned Court below within six weeks from today.

So far as petitioner nos. 2 to 4 is concerned keeping in view the fact that the accusation is omnibus and general and except informant injury of the other injured have been found superficial simple in nature, let the above named petitioner nos. 2 to 4 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 SDJM, West Champaran at Bettiah in connection with Sahodara P.S. Case No. 63 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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