

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17705 of 2017

Arising Out of PS.Case No. -96 Year- 2016 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Raghunath Mahto, Son of Late Ramprit Mahto,
2. Surendra Mahto.
3. Jitendra Mahto,
4. Anuplal Mahto,
5. Rameshwar Mahto,
6. Mintu Mahto @ Muntu Mahto, All sons of Raghunath Mahto, All residents of Village- Origama, 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, Advocate

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-04-2017

Heard learned counsel for the petitioners.

The petitioners are apprehending arrest in connection with Rajepur P.S. Case No. 96 of 2016, registered for offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 448, 380 and 504 of the Indian Penal Code.

The allegation against the petitioner no. 1 is of assault to the wife of the informant by iron rod and against the petitioner No. 2 of assault to informant by means of Farsa and against all other accused of assault to the informant iron rod.

However, it is submitted on behalf of the petitioners that there is land dispute between the parties and there is case



and counter case and the injuries on the person of Chandrawati Devi, wife of the informant are found to be simple in nature except one injury attributed to the petitioner no. 2, Surendra Mahto. The other co-accused are said to have assaulted with iron rod and the injuries are simple on the person of the informant and the wife of the informant.

Heard learned A.P.P. also who opposes the prayer for bail.

Having heard both sides and in view of the fact that there is case and counter case in which injuries are simple in nature except one injury alleged to have been caused by the petitioner no.2, let the petitioner Nos. 1, 3 to 6, above named, in the event of arrest or surrender before the court below within a period of two weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Rajepur P.S. Case No. 96 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :



- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the police, otherwise, the prosecution is free to move for cancellation of their bail.

So far as the petitioner No. 2, Surendra Mahto, is concerned, his prayer for anticipatory bail is rejected. He is directed to surrender before the Court below and make prayer for regular bail which will be considered on its own merit.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

S.Pandey/-

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