

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48132 of 2017

Arising Out of PS.Case No. -245 Year- 2016 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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1. Bikau Mahato, Son of Paltan Mahato.
2. Ashok Mahato, Son of Paltan Mahato.
3. Mahendra Mahato, Son of Paltan Mahato.
4. Belash Mahato, Son of Paltan Mahato.

All are R/o Village- Mangalpur Gudariya, P.S.- Nautan, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 16-10-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Nautan P.S. Case No.245 of 2016 registered under Sections 448, 147, 148, 149, 341, 342, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code.

The accusation is that in the evening of 16.09.2016, the petitioners and one Chhotelal Mahto came and started to capture the land of the informant. When the informant made protest, they took away the handpump and asbestos of the shed of the house of



the informant. Thereafter, on the order of Chhotelal Mahto, the petitioner no.1 Bikau Mahato caused injury at the head of Ramawati Devi through Farsa and the petitioner no.2 Ashok Mahato caused fracture injury on the arm of Ramawati Devi through lathi whereas petitioner nos.3 and 4, namely, Mahendra Mahato and Belash Mahto respectively entered into the house of the informant and took away Rs.30,000/- from there and also damaged the vegetable plants.

Learned counsel appearing on behalf of the petitioners submits that due to land dispute, the occurrence of “Maar-Peet” took place in between the parties in which the petitioners’ side also sustained injury regarding which Complaint Case No.1654C of 2016 was filed by the wife of the co-accused Chhotelal Mahato. Further submission is that while there is specific allegation against the petitioner nos.1 and 2 to cause injury to Ramawati Devi through Farsa and lathi respectively but out of the three injuries, as found on the person of Ramawati Devi, one injury is said to be grievous in nature whereas one injury was found simple in nature and regarding the nature of another injury, the opinion was kept reserved. There is no allegation of causing injury to anyone against the petitioner nos.3 and 4.

Having considered the facts and the circumstances of the



case, let the petitioner nos.3 and 4, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-VI, Bettiah, West Champaran, in connection with Nautan Police Station Case No.245 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the petitioner nos.1 and 2, above named, are concerned, considering the nature of allegation against the petitioner nos.1 and 2, above named, I am not inclined to grant anticipatory bail to the petitioner nos.1 and 2, above named. Accordingly, the prayer of the petitioner nos.1 and 2, above named, for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

P.S./-

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