

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1691 of 2018

Arising Out of PS. Case No.-244 Year-2017 Thana- CHANPATIA District- West Champaran

1. Om Prakash Kumar, S/o Late Motilal Mahto, R/o Village-
Lagunaha, P.S.- Chanpatia, District- West Champaran.
2. Umesh Mahto S/o Mathura Mahto, R/o Village- Jamuniatola,
P.S.- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhagya Narain Gupta, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned Counsels for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 147, 148, 149, 341,
323, 324, 337, 338, 379, 504 and 308 of the Indian Penal Code.

The prosecution case as per the Fardbeyan of Krishna
Kumar Kushwaha, recorded by Jitendra Prasad Singh, Sub-
Inspector of Police, Chanpatiya Police Station is to the effect
that on 27.06.2017 at 4.30 P.M., in the evening, the accused
persons including the petitioners came variously armed on the
land of the informant and started assaulting the informant. It is
further alleged that petitioner no.1, Om Prakash assaulted on the



head of the informant with axe, when informant's brother Ajay Kumar came to his rescue, then co-accused, Hiralal Mahto and petitioner no.2, Umesh Mahto, assaulted him with iron rod while the informant fell down, co-accused, Chinta Devi, Kunti Devi and Manju Devi assaulted him with bricks and stones.

It is submitted by learned counsel for the petitioners that the petitioners are agnates of the informant. There is counter version of the occurrence being Chanpatia P.S. Case No. 248 of 2017. The accusation has been levelled in the background of land dispute. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that specific accusation of assault has been levelled against the petitioners.

Considering the fact that there is case and counter case, the impugned order does not suggest that any injury report has been brought on record by the prosecution when the case diary perused by the learned Additional Sessions Judge, as a result learned Sessions Judge failed to record the nature of injury in the circumstances keeping in view the fact that case has been registered under Section 308 of the I.P.C, let the above named



petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran, in connection with Chanpatia P.S. Case No.244 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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