

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47210 of 2018

Arising Out of PS. Case No.-60 Year-2018 Thana- NAUTAN District- West Champaran

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1. Rajan Kumar @ Rajan Mahto, Son of Rudal Mahto,
 2. Mintu Mahto, Son of Rudal Mahto,
 3. Sunaina Devi, Wife of Rudal Mahto,
 4. Lalita Kumari, Daughter of Rudal Mahto, All are resident of Village- Maduahan, Ghotha Tola, Police Station- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 29-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in connection with Nautan P.S.Case No. 60 of 2018 instituted for the offence under Section(s) 308, 323, 324, 341, 379, 447 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that informant and co- accused Rudal Mahto are cousin brothers and other accused persons are also family members. Due to land dispute instant case has been filed. It is further submitted that counter case has also been filed by co accused Pappu Kumar vide Nautan Police Station case no. 61 of 2018 in which



petitioner no.1 and co accused Pappu Kumar have sustained injuries and the doctor has found simple injuries on their person. The injury reports of both the injured have been annexed as Annexure 4 series.

In the instant case, the allegation against petitioner no.1 is of giving iron rod blow on the left hand of the wife of informant, namely, Usha Devi. Petitioner nos. 3 and 4 have assaulted on the right thigh of the daughter of informant, namely, Rubi Devi. There is no allegation of specific overt act against petitioner no.2.

During course of hearing of the bail petition, the injury report of Usha Devi has been produced which shows that injury nos. 2, 3 and 4 are simple. Injury no.1 i.e. bruise (pain and swelling) was opined to be grievous in nature.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Nautan P.S.Case No. 60 of 2018, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the CJM, Bettiah, West Champaran, subject to the conditions as laid down under



Section 438(2) Cr. P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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