

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53648 of 2018

Arising Out of PS.Case No. -2 Year- 2018 Thana -JAMUI District- JAMUI

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1. Pramodh Mahto @ Pramod Mahato @ Pramod Kumar, son of Kishori Mahato
 2. Parvesh Mahto @ Prawesh Kumar, son of Kishori Mahato
 3. Upendra Kumar @ O.P. Kumar, son of Prasadi Mahato All resident of Village- Bhagwana, P.S.+ District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

- For the Petitioner/s : Mr. Satya Prakash Parasar-Advocate
For the Opposite Party/s : Mr. Ajit Kumar-A.P.P.
For the Informant : Mr. Pankaj Kumar Sinha-A.P.P.
- =====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 07-09-2018 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor along with learned counsel for the informant.

It has been alleged by the informant, injured that during course of returning from the shop of Mahendra Mahto after purchasing household articles, these three petitioners impounded him and during course thereof, Pramodh Mahto @ Pramod Mahato @ Pramod Kumar gave repeated rod blow over his head as well as one blow over his leg as a result of which, he fell down. Then thereafter, Parwesh Mahto @ Prawesh Kumar and Upendra Kumar @ O.P. Kumar assaulted him with fists and slaps. Then



thereafter, Parwesh Mahto pounced upon him and began to press his neck and was saying to lift him to Bahiyar where he would be murdered.

It has been submitted on behalf of petitioners that there happens to be no specific allegation with regard to assault with intention to kill by petitioner nos.2 and 3 namely Parwesh Mahto and Upendra Kumar. So, at least plea of these two petitioners be considered for grant of anticipatory bail. Then, it has been submitted that during course of investigation, it has come up that there was commission of theft in the shop of Mahendra Mahto and in the aforesaid background, petitioners have been falsely implicated.

On the other hand, learned Additional Public Prosecutor assisted by the learned counsel for the informant vehemently opposed the prayer.

From the order of the learned lower Court, it is evident that injured had sustained five injuries, out of which, two injuries have been found over the head of the injured and further, categorized as grievous. The allegation goes against Pramodh Mahto, who had inflicted rod blow over head of the informant.

That being so, prayer for anticipatory bail relating to



petitioner no.1, Pramodh Mahto @ Pramod Mahato @ Pramod Kumar is rejected.

So far petitioner Parwesh Mahto @ Prawesh Kumar and Upendra Kumar @ O.P. Kumar are concerned, they are directed to surrender before the learned lower Court with a prayer for regular bail and the learned lower Court during consideration of the same will consider that nothing has been attributed against them in order to justify their complicity at least for the purpose of bail under Section 307 of the I.P.C.

(Aditya Kumar Trivedi, J)

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