

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70805 of 2018

Arising Out of PS. Case No.-350 Year-2018 Thana- MAJHAULIA District- West Champaran

1. Gorakh Prasad @ Gorakh Mahto, Son of Late Khedan Mahto,
2. Bitna Mahto @ Vidya Mahto @ Vidya Prasad @ Binda Mahto,
Son of Gorakh Mahto, Both are resident of Village- Karmawa,
P.S.- Majhauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2018 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
341,307,427,504,506,34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Arjun Prasad, recorded by A.S.I. Mahendra Prasad, Bettiah
Town Police Station on 31.07.2018 at 06.40 P.M. to the effect
that on 30.07.2018 at about 1.00 A.M., when the informant went
to see his standing crops on his field, he saw that the accused
persons are sprinkling poisonous spray on the crops of the



informant. On protest being made, on the order of petitioner no.1, Gorakh Mahto, petitioner no.2, Bitna Mahto fired on the informant causing injury on the head and hand.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute and the injury of the informant is found caused by hard and blunt substance which clouds the prosecution case. 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 learned APP for the State that there is specific accusation against petitioner no.2 to have assaulted the informant.

Considering the genesis of the occurrence, land dispute and the accusation being not corroborated by the medical report, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, 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, West Champaran, in connection with Majhauriya



P.S. Case No.350 of 2018, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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