

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1867 of 2018

Arising Out of PS. Case No.-208 Year-2017 Thana- WARISNAGAR District- Samastipur

1. Shatrudhan Mahto Son of Baleshwar Mahto
2. Laxmi Mahto Son of Dilchand Mahto
3. Mukesh Mahto Son of late Shyam Mahto All residents of village - Satmalpurganj, P.s. Warisnagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. SRI CHANDRASEN PRASAD SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341,323,325,324,307 and 354/34 of the IPC.

The prosecution case as per the written report of Charitar Mahto dated 15.9.2017 submitted to the SHO, Warisnagar, is to the effect that on the same day at 2.15 P.M. his villagers Satrugan Mahto, Laxmi Mahto and Ram Sunder Mahto came on the door and started abusing the informant for keeping bamboo on their land. On protest, Laxmi Mahto (petitioner no. 2) assaulted the informant with lathi and petitioner no. 2 hurled Farsa blow on the head of the informant with intention to kill. When the cousin daughter in law Sunita Devi and brother of the



informant Mahendra Mahto came to rescue, they were also assaulted. On alarm being raised, several persons came when the petitioners managed to escape from the scene.

It is submitted by learned counsel for the petitioners that except petitioner no. 1 there is no specific accusation of assault against petitioner nos. 2 and 3 though petitioner no. 3 is alleged to have assaulted the brother of the informant namely Mahendra Mahto whose injury report is not on record, whereas the informant has received grievous injury. There is counter version of the occurrence also and the petitioners side have received injury. It is further submitted that in the background of land dispute the accusation has been levelled.

Learned APP submits that there are specific accusations against the petitioners.

Considering the nature of injury caused by petitioner no. 1, this Court is not inclined to grant anticipatory bail to him. Prayer of the petitioner no. 1 for anticipatory bail is rejected in connection with Warisnagar P.S. Case No. 208 of 2017. However, let the learned court below consider the prayer of petitioner no. 1 for regular bail in case petitioner no.1 surrenders within six weeks.

So far as petitioner nos. 2 and 3 are concerned, keeping in



view the fact that accusation is not specific against both of them though petitioner no. 3 is alleged to have assaulted the brother of the informant but his injury report is not on record, coupled with the fact that there is counter version of the occurrence and statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioner nos. 2 and 3 above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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, Samastipur in connection with Warisnagar P.S. Case No. 208 of 2017, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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