

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62829 of 2017

Arising Out of PS.Case No. -696 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Hare Krishna Mahto, S/o Makeshwar Mahto,
2. Satrugan Mahto S/o Banshi Mahto,
3. Surendra Mahto S/o Banshi Mahto,
4. Dhuman Mahto @ Chuman Mahto S/o Surendra Mahto,
5. Abdhesh Mahto S/o Shatrughan Mahto,
6. Arjun Mahto S/o Harish Chandra Mahto,
7. Bachehu Mahto @ Bachchu Mahto S/o Harish Chandra Mahto, All R/o
Village- Husepur Tola, Jadari Dobondha, P.S.- Sahebganj, District-
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ashok Mahto S/o Sri Bhola Mahto, R/o Village- Husepur Tola, Jadari
Dobondha, P.S.- Sahebganj, District- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Opposite Party/s : Mr. Sri Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-01-2018 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Trial No. 3462 of 2017 arising out of Complaint
Case No. 696 of 2014 registered for the offence punishable under
Sections 323, 326, 379 and 504 of the Indian Penal Code.

The allegation against the accused persons is assaulting
the complainant and his mother with various weapons resulting in
them sustaining various types of injuries. It is alleged that the



petitioner Nos. 1 and 3 herein as well as one Anil Mahto had inflicted grievous injury on the person of the informant, which is also corroborated from the injury report, which is a part of the record of the lower court sent to this Court. It is further alleged that the rest of the accused persons had assaulted the mother of the complainant and injured her, however, no injury report of the mother of the complainant is on record.

The learned counsel for the petitioners submits that the allegation, if any, is against the petitioners No. 1 and 3 herein with regard to specific overt act on their behalf resulting in the informant being inflicted grievous injury. However, it is submitted that the rest of the petitioners have not been alleged to have inflicted any specific injury on the person of the informant. It is further submitted that the complaint case has been filed belatedly after a lapse of two days and the injury report seems to be doubtful. The petitioners are said to be having a clean antecedent.

Having regard to the facts and circumstances of the case and there being no specific allegation of any specific overt act as against the petitioners No. 2 and 4 to 7, I deem it fit and proper to enlarge the said petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on



anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, West Muzaffarpur in connection with Trial No. 3462 of 2017 arising out of Complaint Case No. 696 of 2014 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

As far as the petitioners No. 1 and 3 are concerned, there is specific allegation of assault on the informant resulting in grievous injury to him. Hence, this Court is not inclined to enlarge them on anticipatory bail and consequently, the petition for grant of anticipatory bail to the petitioners No. 1 and 3 is rejected.

(Mohit Kumar Shah, J)

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