

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69971 of 2018

Arising Out of PS. Case No.-82 Year-2018 Thana- BELSAND District- Sitamarhi

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1. Ram Babu Mahto, Son of Late Sograth Mahto.
 2. Santosh Mahto @ Santosh Kumar, Son of Ram Babu Mahto.
 3. Raja Mahto @ Raja Babu, Son of Hari Kishore Mahto.
 4. Bitu Kumar @ Bitu Mahto, Son of Shyam Babu Mahto,
 5. Pankaj Mahto @ Pankaj Kumar, Son of Hari Kishore Mahto
 6. Mohan Mahto, Son of Hari Kishore Mahto.
 7. Shyam Babu Mahto, Son of Late Sogarath Mahto, All of Resident of Village- Nanaura, Purvi, P.S.- Belsand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Sri Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-12-2018 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379, 380, 504 and 506 of the IPC.

The prosecution case, as per the fardbeyan of Bhikhari Mahto dated 14.05.2018, recorded by S.I., Pramod Kumar at SKMCH, Muzaffarpur is to the effect that on 14.05.2018 at 6 AM, the uncle of the informant, Dinesh Mahto abused the son of the informant, Suraj Patel, but the nearby people got the issue pacified. On the same day, about 7.15 PM, co-accused Dinesh



Mahto and other agnates of the informant tried to assault the informant. It is further alleged that subsequently 20 accused persons including the petitioners came variously armed and assaulted the informant and his family members. It is specifically alleged that co-accused Harikishore Mahto assaulted the informant on head with bamboo stick, co-accused Sohan Mahto assaulted with iron rod on the arm and back of the informant, whereas the son of the informant was assaulted by co-accused Dilip Mahto and Sohan Mahto. Petitioner no.2, Santosh Mahto assaulted the son of the informant with farsa, as a result, the son of the informant fell unconscious. All the accused persons also assaulted the informant's father and wife and took away cash and jewellery from the house of the informant.

Learned counsel for the petitioners submits that the accusation is omnibus and general against the petitioners. The injury has been found to be simple, though, statement to that effect has not been made in the petition. There is counter version of the occurrence also, being Belsand P.S. Case No. 83 of 2018, registered under Sections 341, 323, 324, 307, 504 and 380/34 of the IPC. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal



antecedent.

Learned APP submits that there is specific accusation against the petitioners.

Considering the nature of accusation being omnibus and general and the fact that there is counter versions of the occurrence, coupled with the 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/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-I, Sitamarhi in connection with Belsand P.S. Case No. 82 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The bail bonds of the petitioners shall be accepted by the learned Court below on verification from the record that no grievous injury has been caused to the informant's side.

(Dinesh Kumar Singh, J)

Amrendra/-

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