

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.916 of 2018

Arising Out of PS.Case No. -112 Year- 2017 Thana -KHODABANDPUR District- BEGUSARAI
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1. Niranjana Kumar @ Naresh Mahto
2. Ram Kumar Mahto,

Both son of Khushi Lal Mahto, Resident of Village- Patala, Police
Station- Khodawandpur (O.P.- Chhaurahi, in the district of Begusarai)

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party
=====

Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr. Adv.
Mr. Prabhu Narayan Sharma, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP
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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 15-01-2018 Heard learned Senior Advocate for the petitioners
and learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with
Khodabundpur P. S. Case No. 112 of 2017 registered under
Sections 341, 342, 323, 325, 307 and 379/34 of the Indian Penal
Code.

It is submitted by learned Senior Advocate for the
petitioners that though there is allegation that the petitioners
mercilessly assaulted the informant, who is their elder brother,
only two injuries were found grievous in nature out of which one



was on forearm. He submitted that had there been any intention to kill, there was none to intervene and the petitioners being armed with *khanti* could have easily eliminated the informant. He also contended that though the incident took place on 14.07.2017 at 10.30 am, the statement of the informant was recorded on the next day at about 9 am and no plausible explanation has been given for the undue delay in institution of the FIR.

On the other hand, learned Additional Public Prosecutor appearing for the State submitted that the allegations made in the FIR have duly been corroborated by the medical evidence and apart from the fracture of forearm, the informant also sustained injury of disfigurement of face. He submitted that at best, one of the grievous injuries was on vital part of the body and the petitioners being younger brother of the informant do not deserve grant of pre-arrest bail.

I have heard learned counsel for the parties and perused the record.

The statement of the informant was recorded in Primary Health Centre on 15.07.2017 at 9am, as the informant after sustaining injuries rushed to the Primary Health Centre for treatment and when the police arrived there, he gave his statement and, thus, it cannot be said that undue delay was caused



in institution of the FIR.

Keeping in mind the fact that at least, two injuries were found grievous out of which one was on the vital part of the informant, I am not inclined to grant them pre-arrest bail. Accordingly, the application for grant of pre-arrest bail is rejected.

However, in case the petitioners surrender and seek bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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