

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69698 of 2018

Arising Out of PS. Case No.-304 Year-2016 Thana- JOGAPATTI District- West Champaran

1. Ramawtar Mahto, Son of Late Nakchhed Mahto.
2. Awadhesh Mahto @ Awadhesh Kumar, Son of Ramawtar Mahto,
Both are resident of Village- Dudhiyawa, Police Station-
Yogapatti (Nawalpur), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Mr. Sakir Ahmad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2018 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 147, 148, 149, 341,
323, 324, 308, 379, 354 and 506 of the Indian Penal Code.

The prosecution case, as per the written report of Rambabu
Mahto, submitted to the S.H.O., Yogapatti (Nawalpur), is to the
effect that on 03.11.2016 at 05 P.M., his neighbour Ramawtar
Mahto was making centering of his roof extending canopy
towards the prosecuted area. On protest being made, five
accused persons including the petitioners came, started abusing
the informant and assaulted him with lathi and iron rod. It is
further alleged that petitioner no. 2, Awadhesh Mahto assaulted



the informant with iron rod on his head causing bleeding injury and when the wife of the informant came to rescue him, she was also assaulted by all the accused persons. The accused persons also snatched gold nose pin and gold ear-rings of the wife of the informant.

It is submitted by learned counsel for the petitioner that the dispute arose due to the construction on the prosecuted area by the petitioner no. 01. The injury caused by the petitioner no.2, with iron rod and sharp cutting weapon is found to be simple in nature. It is further stated that the petitioners also received injuries. After investigation by the police, charge-sheet has been submitted under Sections 341, 323, 324, 308, 504 and 34 of the IPC, wherein co-accused Lila Devi and Sunita Devi has not been sent up for trial but cognizance has been taken under Sections 341, 323, 324, 308, 504 and 34 of the IPC against them also. 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 the petitioners.

Considering the genesis of occurrence, accusation not being corroborated by the medical report and the fact that the



petitioners also received injuries in the said occurrence 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 **Additional Chief Judicial Magistrate-II**nd, Bettiah, West Champaran, in connection with **Yogapatti (Nawalpur) P.S. Case No. 304 of 2016**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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