

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24029 of 2018

Arising Out of PS.Case No. -138 Year- 2017 Thana -GANGABRIDGE District-
VAISHALI(HAJIPUR)

- =====
1. JOGENDRA MAHTO @ YOGENDRA MAHTO, son of Jugeshwari Mahto,
 2. Munarik Mahto, son of Satya Narain Mahto,
 3. Dwarik Mahto, son of Satya Narain Mahto,
 4. Biranchi Mahto, s/o Sanju Mahto, all are residents of Village- Terasia, P.S. Ganga Bridge, District- Vaishali, Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Prasad, Advocate

For the Opposite Party/s : Smt. Renuka Ratnakar, APP

Mr. Manish Chandra Gandhi, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 04-07-2018

Heard learned counsel for the petitioners and learned

APP for the State as well as counsel for the Informant.

Petitioners apprehend their arrest in **Ganga Bridge**
P.S. Case No.138 of 2017 instituted for the offence under
Section(s) 341, 323, 324, 307, 379, 504, 506/34 Indian Penal
Code.

Counsel for the petitioners submits that there is case
and counter case between the parties. Petitioners have also
lodged Ganga Bridge P.S. Case No.137 of 2018 under Section
307 Indian Penal Code against the informant and his other family
members. Petitioner No.1 has also received injury in the



aforesaid assault.

In the instant case, there is allegation against petitioner No.1 that he gave blow with *Basa* of spade to Shiv Chandra. Petitioner No.2 is alleged to have given *Hasua* blow on the head of Musafir. Petitioner No.3 is alleged to have given pistol blow over the head of Sanju Devi and also took away her golden Jitia. Petitioner No.4 is alleged to have given *Gandasa* blow on the head of Rajesh.

Injury reports of all the injured have been annexed as Annexure-2 series.

From the Injury reports, it appears that injured Musafir has received grievous injury on his head. The Doctor after CT scan has found fracture of the left sided zygomatic region in frontal bone.

There is specific allegation against Petitioner No.2 of giving *Hasua* blow on the head of Musafir.

In view of such, this Court is not inclined to extend the privilege of anticipatory bail to petitioner No.2, Munarik Mahto.

Prayer of the petitioner No.2 for grant of anticipatory bail is rejected.

So far case of petitioner Nos.1, 3 and 4 are



concerned, they are alleged to have assaulted Shiv Chander, Sanju Devi, and Rajesh. They all have sustained simple injury.

In the facts and circumstances of the case, prayer of the petitioner Nos.1, 3 and 4 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the **petitioner Nos.1, 3 and 4, named above**, within six weeks from today in connection with **Ganga Bridge P.S. Case No.138 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Vaishali at Hajipur**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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