

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66325 of 2018

Arising Out of PS. Case No.-333 Year-2018 Thana- KHAGARIA District- Khagaria

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1. Bijendra Mahto, Son of Late Nevi Mahto.
 2. Vishal Kumar, Son of Vijay Mahto,
 3. Rohit Kumar, Son of Ram Pravesh Yadav, All resident of Village- Dan Nagar, P.S.- Khagaria, District- Khagaria.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ranjeet Kumar Singh, Advocate.
For the Opposite Party : Mr. C. Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 341, 323, 324, 504, 307, 354 and 379 of the IPC.

The prosecution story, in brief, is that on 22.05.2018 at about 9.00 P.M., while the informant was sitting at her door, co-accused Gajendra Kumar alongwith petitioner nos. 2 and 3 Vishal Kumar and Rohit Kumar came with wine and tried to drink at her door on which she raised objection on which they began to abuse and made phone calls at their house. It is further alleged that the co-accused M.L.A. alias Kare and petitioner no. 1 Bijendra Mahto alongwith co-accused Sapan Kumar, Harendra



Kumar, Devendra Kumar, Munna Kumar and Butan Kumar armed with weapons, *Iron rod* and *Sword* came there and attacked on her as a result of which she sustained head injury. It is further alleged that on her alarm when Uttam Kumar came to rescue her, co-accused Harendra Kumar assaulted on his head and caused bleeding head injury, co-accused Upendra Kumar assaulted Vishwajeet Kumar with *Sword* on his neck and took out gold *Chakti* from his neck. Petitioner nos. 1 and 3 Bijendra Mahto and Rohit Kumar assaulted Ram Bilash Mahto with *Iron rod* and *Lathi*, co-accused Gajendra Kumar and Munna Kumar alias Munna Patel assaulted Kamal Devi with *Lathi*, co-accused Munna Kumar alias Munna Patel took away her gold *Jitiya* and co-accused Butan Kumar and petitioner no. 2 Vishal Kumar torn her *Blouse*.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.



On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Khagaria, in connection with Khagaria P.S. Case No. 333 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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