

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8255 of 2019

Arising Out of PS. Case No.-256 Year-2018 Thana- MANIHARI District- Katihar

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1. Ram Tahal Mahato, Aged about 40 years (male), Son of Late Chander Mahto
 2. Shambhu Mahato, aged about 25 years(male), Son of Late Ram Lal Mahato
 3. Bhadai Mahato, aged about 42 years(male), Son of Late Shadeo Mahto
- All are resident of Village Charwaha Vidalaya, P.S. Manihari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2019 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 341, 323 and 307/34 of the Indian Penal Code.

The prosecution case as per the written report of Lal Chand Mahto submitted to SHO, Manihari Police Station is to the effect that on 04.11.2018 at about 9.00 P.M., the brother of the informant was returning home, in the meantime, the petitioners assaulted on the head of the brother of the informant with a sickle, as a result, he received injuries. It is further alleged that on alarm being raised, the informant, his younger brother,



Gorakh Mahto and his father, Kishan Mahto reached to the place of occurrence and saw the brother of informant in unconscious state and thereafter took him to the Sadar Hospital, from where he was referred to Katihar Medical College.

It is submitted by learned counsel for the petitioners that for the occurrence of 04.11.2018, the FIR was registered on 6.11.2018 at 4.30 P.M. The accusation of assault is against all the three petitioners, but only one superficial injury has been found on vital part of the body, simple in nature. 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 the accusation of assault is specific against the petitioners.

Considering the fact that the injury not being corroborated by the medical report and delayed lodging of the FIR, 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 **CJM, Katihar** in connection with **Manihari P.S. Case No.256 of 2018**, 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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