

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2439 of 2019

Arising Out of PS. Case No.-353 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

1. Deepak Kumar @ Deepak Mahto S/o Phulan Mahto Village-Mahto Mushehari,P.S. Chapra Mufassil,Dist.-Saran
2. Pawan Kumar @ Pawan Mahto S/o Phulan Mahto village- Mahto Mushehari,P.S. Chapra Mufassil, Dist.-Saran

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan
For the Opposite Party/s : Mr. Rakesh Kumar (App48)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-01-2019 Heard both sides.

The petitioners apprehend their arrest in Chapra Muffasil P.S. case No. 353 of 2018 registered under Section 341, 323, 324, 326, 307/34 of the Indian Penal Code.

The informant alleged that while he along with his family members was going to bed the accused persons came and began to abuse. Deepak Mahto, petitioner No.1, assaulted Sanjay Mahto, uncle of the informant, with knife on his head and Pawan Mahto, petitioner No.2, is alleged to have assaulted Nitish Kumar, cousin of the informant, with Garasi on his head.

The learned counsel for the petitioners submits that there is case and counter case. Sanjay Mahto got simple injuries that too caused by hard and blunt object and not by sharp edged weapon such as knife whereas Nitish Kumar got grievous injury on his head. Nitish Kumar is alleged to have been assaulted by Pawan Mahto, petitioner No.2.

Mr. Bashisth Narayan Mishra, the learned counsel for



the informant, as well as the learned APP did not dispute this fact that Sanjay Mahto got simple injuries that too cause by hard and blunt object and not by knife.

Considering the facts aforesaid, the petitioner No.1, Deepak Kumar @ Deepak Mahto, who is alleged to have assaulted Sanjay Mahto, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 353 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as case of Pawan Mahto, petitioner No.2, is concerned, he is alleged to have assaulted Nitish Kumar and Nitish Kumar sustained grievous injury, I am not inclined to enlarge petitioner No.2 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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