

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3483 of 2019

Arising Out of PS. Case No.-491 Year-2018 Thana- MUFFASIL District- West Champaran

1. Madhav Kumar @ Madhav Mahto @ Madho Kumar, aged about 27 years Male, son of Yogendra Mahto.
 2. Mukesh Kumar, aged about 26 years, Male, son of Rajdev Mahto
 3. Sandeep Kumar, aged about 24 years, Male, son of Rajdev Mahto
 4. Sonu Kumar, aged about 23 years, Male, son of Rajdev Mahto
- All are resident of village Lapatahi, Koyari tola, P.S. Manuapool, District West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 5737 of 2019

Arising Out of PS. Case No.-491 Year-2018 Thana- MUFFASIL District- West Champaran

1. Rajdev Mahto, aged about 55 years, Male, son of Late Jagdev Mahto
2. Suresh Mahto, aged about 50 years, Male, son of Yogendra Mahto
3. Sugriv Mahto, aged about 35 years Male, son of Yogendra Mahto
4. Rajesh Mahto, aged about 30 years Male, son of Yogendra Mahto.

All are Resident of Lapatahi, Koyari tola, P.S.- Manuapool, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3483 of 2019)

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Ram Sevak Choudhary

(In CRIMINAL MISCELLANEOUS No. 5737 of 2019)

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : M/s. Rina Sinha

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER



3 29-03-2019 Both the above stated petitions have arisen out of Bettiah (M)-Manuapool P.S. Case No. 491 of 2018 registered under Section 307 and other allied sections of the I.P.C. and 27 of the Arms Act and accordingly, both the above stated petitions are being disposed of by this common order.

The prosecution claims that on the alleged date of occurrence, petitioners no. 1, 2 and 3 in Cr. Misc. No. 5737 of 2019 assaulted the husband of the informant by means of iron rod and other weapons and so far as remaining petitioners are concerned, they, too, assaulted husband of informant by their respective weapons.

Submission on behalf of the petitioners is that there is case and counter case between the parties and as a matter of fact, on the alleged date of occurrence, it was prosecution party who assaulted the petitioner no. 1 in Cr. Misc. No. 5737 of 2019 as well as others for which petitioner no. 1 in Cr. Misc. No. 5737 of 2019 lodged Bettiah (M) Manuapool P.S. Case No. 492 of 2018 against the prosecution party. He submits that aforesaid fact goes to show that persons from both the sides sustained injury and moreover, the petitioners are in jail custody since long and investigation has already been completed. He further submits that co-accused Umesh Kumar has already been granted



privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 27.02.2019 passed in Cr. Misc. No. 12197 of 2019.

The injury report of injured of the present case goes to show that he sustained two grievous injuries on his head and except the aforesaid two grievous injuries, no other injury was found on the person of the injured. The informant claims that three persons assaulted on the head of her husband but only two injuries on the head of injured were found.

However, taking note of this fact that there is case and counter case between the parties and persons from both the sides sustained injury, I think it proper to extend the privilege of bail to petitioners and accordingly, petitioners, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah (M)-Manuapool P.S. Case No. 491 of 2018.

(Hemant Kumar Srivastava, J)

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