

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17310 of 2019

Arising Out of PS. Case No.-731 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

1. Sone Lal Mahto, Son of Late Bilat Mahto, Resident of Village and P.S.-Runnisaidpur, Distt - Sitamarhi,
2. Khobhari Mahto, Son of Late Bilat Mahto, Resident of Village and P.S.-Runnisaidpur, Distt - Sitamarhi,
3. Nand Lal Mahto, Son of Sone Lal Mahto, Resident of Village and P.S.-Runnisaidpur, Distt - Sitamarhi,
4. Ranjeet Mahto, Son of Sone Lal Mahto, Resident of Village and P.S.-Runnisaidpur, Distt - Sitamarhi,
5. Ashok Kumar, Son of Laxmi Sharan, Resident of Village and P.S.-Runnisaidpur, Distt - Sitamarhi,
6. Umesh Sharan, Son of Late Ram Kripal Sharan, Resident of Village and P.S.-Runnisaidpur, Distt - Sitamarhi,
7. Dinesh Kumar, Son of Late Ram Kripal Sharan, Resident of Village and P.S.-Runnisaidpur, Distt - Sitamarhi,
8. Dipak Kumar, Son of Laxmi Sharan, Resident of Village and P.S.-Runnisaidpur, Distt - Sitamarhi,
9. Laxmi Sharan, Son of Late Chulahi Sharan, Resident of Village and P.S.-Runnisaidpur, Distt - Sitamarhi,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 354, 307, 379, 448 and 427 of the Indian Penal Code.



The prosecution case, as per the written report of Shyam Babu Sharan dated 05.12.2018 submitted to the Station House Officer of Runnisaipur Police Station, is to the effect that on the same day at 11.25 A.M., all the petitioners came variously armed and entered into the house of the informant. It is alleged that petitioner no. 9, Laxmi Sharan assaulted the informant, Shyam Babu Sharan by means of a knife on his head, other petitioners assaulted the informant with lathi and danda, when the family members of the informant came to rescue, they were also assaulted by all the petitioners. It is alleged that petitioner no.5, Ashok Kumar assaulted the brother of the informant, Rambabu Mahto with a sword. The father of the informant, Satya Narayan Mahto was assaulted by petitioner no. 8, Dipak Kumar by means of a knife causing injury on his elbow. It is further alleged that petitioner no. 7, Dinesh Sharan assaulted the another brother of the informant, Pradip Kumar by means of a lathi causing fracture injury whereas nephew of the informant, Sudhanshu Kumar was assaulted by petitioner no. 6, Umesh Sharan. It is further alleged that petitioner no. 3, Nand Lal Mahto took away cash amount of Rs.21,000/- from the house of the informant.

It is submitted by learned counsel for the petitioners



that the injuries of all the five persons including the father, brothers and nephew of the informant have been found simple in nature except one injury of the informant, but the said injury has been found fracture of ulna after x-ray report but the FIR does not suggest as to who caused the said injury. Since the specific accusation of assault by petitioner no. 9 with a knife on head of the informant has been found simple in nature. There is a counter version of the occurrence being, Runnisaidpur P.S. Case No. 732 of 2018 and petitioners have also received injury. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation of assault against petitioner nos. 3, 5, 6, 7, 8 and 9 to have made assault.

Considering the genesis of the occurrence being land dispute, counter version of the occurrence, petitioners have also received injury and statement being made in paragraph 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 twelve weeks from today, 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, Sitamarhi in connection with Runnisaidpur P.S. Case No. 731 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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