

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17722 of 2019

Arising Out of PS. Case No.-90 Year-2018 Thana- HALSI District- Lakhisarai *

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1. Suman Kumar Son of Jugeshwar Mahto, Resident of Village - Gaura, P.S.- Halsi, District - Lakhisarai
 2. Durgesh Mahto Son of Surendra Mahto, Resident of Village - Gaura, P.S.- Halsi, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-03-2019 Heard both sides.

The petitioners apprehend their arrest in Halsi P.S. Case No.90 of 2018 registered under Section 307 and other sections of the Indian Penal Code.

The informant named the petitioners along with other accused persons and alleged that they came and started digging soil for constructing drain. When the uncle and other family members of the informant forbade, the accused persons began to abuse. Durgesh Mahto (petitioner no.2) is alleged to have assaulted Sarswati Devi with khanti on her head and Suman Kumar (petitioner no.1) is alleged to have assaulted Sarswati Devi over her right eye with iron rod. When the husband and



other family members of Sarswati Devi came to save her, Suman Kumar assaulted them with iron rod. The other family members of the informant were also assaulted.

Learned counsel for the petitioners submits that there is a land dispute between the two sides. Sarswati Devi got one grievous injury on her head. The author of which is Durgesh Mahto (petitioner no.2). Suman Kumar (petitioner no.1) is alleged to have assaulted Sarswati Devi over her right eye which is simple in nature caused by hard and blunt object.

Having considered the submissions of both sides and on perusal of injury report, it appears that Durgesh Mahto (petitioner no.2) is alleged to have assaulted Sarswati Devi with khanti on her head causing grievous injury and when she fell down and became unconscious, Suman Kumar (petitioner no.1) assaulted her with iron rod causing abrasion over her right eye. Therefore, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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