

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79142 of 2018

Arising Out of PS. Case No.-119 Year-2018 Thana- SATHI District- West Champaran

1. Rameshwar Singh Kushwaha, S/o Late Sheshnath Mahto @ Sheshnath Singh Mahto
2. Sanjay Kushwaha @ Sanjay Kumar Kushwaha, S/o Late Sheshnath Mahto @ Sheshnath Singh Mahto
3. Vijay Kushwaha S/o Late Sheshnath Mahto @ Sheshnath Singh Mahto
4. Prakash Kushwaha S/o Rameshwar Singh Kushwaha
5. Akash Kushwaha S/o Rameshwar Singh Kushwaha
6. Bhikhain Devi W/o Dhurendra Mahto @ Dhurendra Kushwaha
7. Dhurendra Mahto @ Dhurendra Kushwaha S/o Ramayan Mahto
8. Shobha Devi W/o Rameshwar Singh Kushwaha, All are R/o village Dumdumwa, P.S. - Sathi, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Sri Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-01-2019 Heard both sides.

Petitioners apprehend their arrest in Sathi P.S. Case No.119 of 2018 registered under Sections 308 and 323 and other sections of the Indian Penal Code and under Section 27 of the Arms Act.

Janki Kuer named the petitioners and alleged that all the petitioners having armed with different weapons came inside the house. Rameshwar Kushwaha caught her hair and dragged her. He also torn her undergarments. Ashok Kushwaha came to rescue her but on the order of Rameshwar, petitioner no.1,



Sanjay Kushwaha, petitioner no.2, assaulted Ashok with a spear on his head. Ashok fell down after becoming unconscious. Bhikhain Devi, petitioner no.6 assaulted the informant with knife on her neck. Prakash Kushwaha, petitioner no.4 assaulted Mankeshwar Kushwaha, the son of the informant with *farsa*. Vijay Kushwaha fired but Manoj Giri got providential escape.

Learned counsel for the petitioners submits that there is a counter case being Sathi P.S. Case No.116 of 2018 from the side of the petitioners lodged earlier in point of time. From perusal of the injury report, it appears that Manoj Giri got three abrasion. Mankeshwar Kumar got two abrasion although he is alleged to have got injuries by means of *farsa*. Ashok Prasad got one incised wound but the injury is simple in nature. Informant Janki Kuer got complain of pain but she is alleged to have been assaulted by knife. It is submitted that the injuries report does not corroborate ocular version of the prosecution.

Having considered the facts that there is case and counter case and from the side of the petitioners, the case was earlier lodged, there appears mutual assault on account of which the informant and other persons from the side of the petitioners got simple injuries, let petitioners, above named, in the event of their arrest or surrender before the court below within a period



of four weeks from the date of receipt of this order be enlarged on bail 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, Bettiah, West Champaran in connection with Sathi P.S. Case No.119 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U		T	
---	--	---	--

