

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27703 of 2019

Arising Out of PS. Case No.-439 Year-2018 Thana- MAJORGANJ District- Sitamarhi

1. SAGAR MAHTO, Son of Sri Janak Mahto, Resident of Village- Rasulpur, Police Station- Majorganj, District- Sitamarhi.
2. Dipani Devi, Wife of Sagar Mahto Resident of Village- Rasulpur, Police Station- Majorganj, District- Sitamarhi.
3. Asha Devi, Wife of Mahesh Mahto, Resident of Village- Rasulpur, Police Station- Majorganj, District- Sitamarhi.
4. Parvati Devi, Wife of Dinesh Mahto, Resident of Village- Rasulpur, Police Station- Majorganj, District- Sitamarhi.
5. Nikalu Mahto, Son of Chathu Mahto, Resident of Village- Rasulpur, Police Station- Majorganj, District- Sitamarhi.
6. Raj Mangali Devi, Wife of Vikas Mahto, Resident of Village- Rasulpur, Police Station- Majorganj, District- Sitamarhi.
7. Mukesh Mahto, Son of Sagar Mahto, Resident of Village- Rasulpur, Police Station- Majorganj, District- Sitamarhi.
8. Chatani Devi, Wife of Mahadeo Mahto, Resident of Village- Rasulpur, Police Station- Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR..... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 01-05-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mejoraganj P.S. Case No. 439 of 2018, registered for the offences punishable under Sections 341, 323, 354, 316, 379, 504/34 of the Indian Penal Code.

Eight accused persons are said to have been constructing



house on the land of the informant. On protest, petitioner Dipani Devi assaulted on her stomach by means of Danda while petitioner Mukesh Mahto shoved her on ground and climbing on her chest assaulted on her stomach by means of leg, resulting miscarriage of her pregnancy. They also stated her in the name of her caste.

It is submitted by the learned counsel for the petitioners that no such occurrence as alleged ever took place. They have no concern with alleged occurrence. They have falsely been implicated in this case due to land dispute. Allegation of stating the informant in the name of her caste by the petitioners is general and omnibus in nature. Though Dipani Devi and Mukesh Mahto are said to have assaulted on the stomach of the informant by means of lathi and leg respectively resulting into miscarriage of her pregnancy but injury report indicates that at the time of examination of victim the doctor has found her pregnant for six weeks three days which rules out miscarriage of pregnancy. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below



within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st Sitamarhi in connection with Mejorganj P.S. Case No. 439 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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