

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79431 of 2018**

Arising Out of PS. Case No.-131 Year-2018 Thana- DORIGANJ District- Saran

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1. Ramagya Mahto son of late Ganga Mahto,
 2. Rash Bihari Mahto son of late Tej Narayan Mahto

Both are residents of village- Mahaji, Police Station- Doriganj, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar

For the Opposite Party/s : Mr.Sri Sanjay Kumar Tiwary 1

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 26-03-2019 The petitioners apprehend their arrest in connection with Doriganj P.S.Case No. 131 of 2018 registered under Sections 147, 148, 149, 307, 504 and 506 of the Indian penal Code and 27 of the Arms Act.

Allegation against the petitioner no. 1 is of assaulting by *Farsa* blow on the head of the informant and petitioner no. 2 is of assaulting with Dab on the head of Balindra Rai.

Submission of learned counsel for the petitioners is that there is case and counter case in between the parties and earlier case to the present case is lodged by the petitioners' side and injury found on the person of the informant is simple in nature.

Heard learned APP also.

Heard both sides and perused the record. From perusal of



record, it appears that injury on the person of Arjun Kumar is simple in nature. However, impugned order shows that injury on the person of Balindra Rai, who has been assaulted by petitioner no. 2, was kept reserved.

In view of the facts and circumstances, as stated above, so far petitioner no. 1 is concerned, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VII, Saran at Chapra in connection with Doriganj P.S. Case No. 131 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

So far allegation against petitioner no. 2 is concerned, I am not inclined to grant privilege of anticipatory bail to him rather he should surrender within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

(Vinod Kumar Sinha, J)

sujit/-

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