

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34083 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- BAIRIYA District- West Champaran

1. MISHRI MAHTO Son of Late Ramautar Mahto Resident of Village- Balua, Rampurwa, P.S.- Bairiya, District- West Champaran.
2. Pradeep Prasad Son of Sri Mishri Mahto @ Mishri Prasad Resident of Village- Balua, Rampurwa, P.S.- Bairiya, District- West Champaran.
3. Lalmuni Devi Wife of Sri Mishri Mahto Resident of Village- Balua, Rampurwa, P.S.- Bairiya, District- West Champaran.
4. Chandrika Mahto Son of Late Bhagrasan Mahto Resident of Village- Balua, Rampurwa, P.S.- Bairiya, District- West Champaran.
5. Isari Devi Wife of Late Bhagrasan Mahto Resident of Village- Balua, Rampurwa, P.S.- Bairiya, District- West Champaran.
6. Kamlesh Mahto Son of Late Bhagrasan Mahto Resident of Village- Balua, Rampurwa, P.S.- Bairiya, District- West Champaran.
7. Sita Devi Wife of Sri Chandrika Mahto Resident of Village- Balua, Rampurwa, P.S.- Bairiya, District- West Champaran.
8. Kamal Prasad Son of Late Naresh Mahto Resident of Village- Chorahi Sirisiya, P.S.- Jogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-08-2019 At the very outset, it has been submitted by learned counsel for the appellants that during pendency of the present application, petitioner nos. 2 and 4 have been arrested, as such, this application so far petitioner nos. 2 and 4 are concerned have become infructuous and he may be permitted to withdraw this application with respect to them.

Permission is accorded.



This application with respect to petitioner nos. 2 and 4 is dismissed as withdrawn.

So far other petitioners are concerned, they are apprehending their arrest in connection with Bairiya P.S. Case No. 32 of 2019, disclosing offences under Sections 147, 148, 149, 341, 323, 324, 307, 385 and 504 of the Indian Penal Code.

Prosecution case is that petitioners came variously armed and enquired from the informant as to why he has taken his tractor through their field, on which some wordy altercation took place, thereafter, petitioner nos. 2, 4 and 8 have assaulted the informant by means of Garasi and dabh on the head of the informant and there are allegation against other petitioners of assault also.

Submission of learned counsel for the petitioners is that so far petitioners nos. 2 and 4 are concerned, they have already been arrested and though it is alleged that petitioner no. 8 that assaulted the informant by means of dabh on his head but the injury report has been kept reserved and so far other petitioners are concerned, only general and omnibus allegations have been attributed to them and injuries inflicted by them to the injured were found to be simple in nature.

Heard learned A.P.P. as well as learned counsel for the appellant. They have opposed the prayer for grant of anticipatory



bail.

Having heard both sides, considering the facts and circumstances of the case, so far petitioner nos. 1, 3, 5, 6, 7 are concerned, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -VII, West Champaran at Bettiah, in connection with Bairiya P.S. Case No. 32 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner no. 8 is concerned, I am not inclined to grant him the privilege of anticipatory bail rather he may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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