

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43522 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- PALANWA District- East Champaran

1. HARENDRA MAHTO, aged about 50 years, male
2. Kamlesh Mahto, aged about 48 years, male
3. Dharmendra Mahto, aged about 42 years, male
All are sons of Ramchandra Mahto
4. Sheshnath Mahto, aged about 50 years, male
5. Sukdeo Mahto, aged about 48 years, male
Both Sons of Late Babulal Mahto
All residents of Village-Sidhpur, P.S-Palanwa, District-East 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.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-07-2019 Heard both sides.

The petitioners apprehend their arrest in Palanwa P.S.
Case No.42 of 2019 registered under Sections 307, 379 and
other Sections of the Indian Penal Code.

The informant alleged that his nephew, Rahul Kumar,
and neighbour, Chandan Kumar had gone for exchange of
Nepali currency and when they were returning, Rupesh Kumar,
son of Kamlesh Kumar and three others snatched their money
and took his nephew to Raxaul. When the informant inquired
about the occurrence from Kamlesh Mahto and Rupesh Kumar,



the accused persons assaulted the informant and others. It is alleged that Harendra Mahto, petitioner No.1 assaulted Dhurup Mahto with tangi on his head. Kamlesh Mahto, petitioner No.2 assaulted Hiralal Mahto with farsa on his head and Sheshnath Mahto, petitioner No.4 assaulted on the head of Hiralal Mahto.

The learned counsel for the petitioners submits that there is no allegation of assault against petitioner Nos.3 and 5, Dharmendra Mahto and Sukdeo Mahto. The injuries found on the person of Hiralal and Jaylal are simple in nature. There is a counter version being Palanwa P.S. Case No.44 of 2019. The opinion with regard to the injury incised wound above right eyebrow is kept reserved.

It appears that Harendra Mahto, petitioner No.1 is assaulted Dhurup Mahto with tangi on his head and the injury found on the head is kept reserved. Kamlesh Mahto and Sheshnath Mahto are alleged to have assaulted Hiralal and Jaylal both got injuries but injuries are simple in nature and there is a counter version.

Taking into consideration the facts, I am not inclined to enlarge the petitioner No.1, Harendra Mahto on anticipatory bail. Accordingly, the same is rejected.

So far as the petitioner Nos.2 to 5 is concerned, there



is no allegation of assault against Dharmendra Mahto(petitioner No.3) and Sukdeo Mahto(petitioner No.5) and the injuries caused by the assault of Kamlesh Mahto and Sheshnath Mahto(petitioner Nos.2 and 4) are simple in nature, let the 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 the order, be released on bail 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 S.D.J.M., Raxaul at Motihari, District East Champaran in connection with Palanwa P.S. Case No.42 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Saurabh/-

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

