

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45814 of 2019

Arising Out of PS. Case No.-273 Year-2019 Thana- KHAGARIA District- Khagaria

1. DHARMDEO MAHTO Son of Late Bhumi Mahto
2. Amerika Devi @ Amrika Devi Wife of Rajendra Mahto
All resident of Village - Rani Sakarpura, P.S.- Gangaur, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Shanker Prasad
For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 30-09-2019 Heard Dr. Amrendra Kumar, learned counsel for the
petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in
Khagaria(Gangaur) P.S. Case No.273 of 2019 registered under
Sections 341, 342, 323, 504, 506, 384, 379, 337, 338, 307,
325/34 of the Indian Penal Code.

The informant alleged that on 12.04.2019 while he
was going to bring medicine for his mother, Dharmdeo Mahto,
Sapan Mahto, Dhiraj Kumar, Niraj Kumar and Amerika Devi
surrounded him and asked him to pay extortion. On refusal,
Dharmdeo Mahto and other accused persons indiscriminately
assaulted him with iron rod.

The learned counsel for the petitioners submits that



five persons are alleged to have assaulted the informant but only three injuries are found on the head of the informant. All the three injuries are opined to be grievous in nature. The occurrence took place on 12.04.2019 but the F.I.R. was lodged on 26.04.2019. There is no plausible explanation for such delay. It is further submitted that there is a counter case being Khagaria (Gangaur) P.S. Case No.277 of 2019. The occurrence took place due to dispute with regard to common passage. The petitioners are neighbours of the informant.

It appears from perusal of the F.I.R. that the informant alleged that petitioners and three others indiscriminately assaulted him with iron rod. The informant made specific allegation against Sapan Mahto that he assaulted him with iron rod on his head causing injury and three injuries on head are found and all the three injuries are grievous in nature as the skull-board was found fractured. The informant disclosed that on account of injuries sustained he was referred to Sadar Hospital, Begusarai for better treatment. After getting consciousness, he lodged the case.

Taking into consideration the fact that Dharmdeo Mahto and three others including Sapan Mahto are alleged to have assaulted the informant with iron rod and three injuries, all



were grievous, were found on the head of the informant, I am not inclined to enlarge the petitioner No.1 on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioner No.2, Amerika Devi @ Amrika Devi is concerned, she is a lady and she is not especially alleged to have assaulted the informant.

Taking into consideration the facts aforesaid, let the petitioner No.2, namely, Amerika Devi @ Amrika Devi, in the event of her 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria(Gangaur) P.S. Case No.273 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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