

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46653 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- KOTWA District- East Champaran

1. Umesh Mahto, Aged about 32 years, Male, Son of Late Lakshman Mahto, Resident of Village Bhopatpur Tola Purani Dih, P.S. Kotwa (Bhopatpur O.P.), District East Champaran.
2. Subhasani Devi, Aged about 40 years, Female, Wife of Chandrika Mahto.
3. Lallan Mahto, Aged about 35 years, Male, Son of Late Lakshman Mahto.
4. Budhan Mahto, Aged about 24 years, Male, Son of Chandrika Mahto.
All are resident of Village Bhopatpur Tola Purani Dih, P.S. Kotwa (Bhopatpur O.P.), District East Champaran.
5. Sudhan Mahto, Aged about 22 years, Male, Son of Chandrika Mahto.
6. Mithilesh Mahto @ Mithlesh Mahto, Aged about 20 years, Male, Son of Chandrika Mahto.
All are resident of Village Bhopatpur Tola Purani Dih, P.S. Kotwa (Bhopatpur O.P.), District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-07-2019 Heard both sides.

Petitioners apprehend their arrest in Kotwa (Bhopatpur O.P.) P.S. Case No.67 of 2019, registered under Sections 341, 323, 324, 307, 379, 447, 354 and 34 of the Indian Penal Code.

The informant, Kishun Mahto named seven persons including all the six petitioners and alleged that Chandrika Mahto, not petitioner here, assaulted the informant with lathi causing bleeding from his nose. The informant fell down



becoming unconscious. Umesh Mahto, petitioner no.1, is alleged to have assaulted Laicho Devi with lathi and snatched ornaments from her possession. Lallan Mahto, petitioner no.3, is alleged to have assaulted Ramchandra Mahto.

Learned counsel for the petitioners submits that Ramchandra Mahto received simple injuries and the opinion with regard to the injuries found on the shoulder of Laicho Devi is kept reserved for X-ray but the same has not been received. There is no allegation of assault against other petitioners, namely, Subhasani Devi, Budhan Mahto, Sudhan Mahto and Mithilesh Mahto.

Taking into consideration the facts that on account of assault made by Lallan Mahto, petitioner no.3, simple injury is caused to Ramchandra Mahto and there is no allegation of assault against Subhasani Devi, petitioner no.2, Budhan Mahto, petitioner no.4, Sudhan Mahto, petitioner no.5 and Mithilesh Mahto @ Mithlesh Mahto, petitioner no.6, let petitioner nos. 2 to 6, namely, Subhasani Devi, Lallan Mahto, Budhan Mahto, Sudhan Mahto and Mithilesh Mahto @ Mithlesh Mahto in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran in connection with Kotwa (Bhopatpur O.P.) P.S. Case No.67 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far the case of Umesh Mahto, petitioner no.1, is concerned, he is alleged to have assaulted Laicho Devi with lathi. The opinion with regard to injury found on the shoulder of Laicho Devi is kept reserved and she was advised for X-ray.

Taking into consideration the facts, I am not inclined to enlarge the petitioner no.1, namely, Umesh Mahto on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner no.1, Umesh Mahto is rejected.

(Prabhat Kumar Jha, J)

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