

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51446 of 2019

Arising Out of PS. Case No.-431 Year-2018 Thana- SAHEBGANJ District- Muzaffarpur

1. Mukesh Mahto, Son of Ganesh Mahto Resident of Village - Karnaul Chatarbhuj, P.S.- Sahebganj, District - Muzaffarpur.
2. Rajesh Kumar @ Rajesh Kumar Mahto @ Rajesh Mahto Son of Ganesh Mahto Resident of Village - Karnaul Chatarbhuj, P.S.- Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 19-08-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sahebganj P.S. Case no. 431 of 2018, registered under Sections 341, 447, 323, 325, 379 and 504/34 of the Indian Penal Code and Section 3/4 of Daain Act.

The accusation is that in the morning of 18.11.2018 at about 7.00 A.M while informant Jhapas Mahto was talking to his wife at his Bathan, at that time, his villagers Rajesh Mahto (Petitioner No.2), Mukesh Mahto (petitioner No.1) and Ganesh Mahto armed with Farsa, iron rod came there and started to abuse the wife of informant saying her



Daain. When informant made protest then on the order of Mukesh Mahto (Petitioner No.1), all started to cause assault, when informant made protest then Rajesh Mahto (Petitioner No.2 caused blood oozing injury at his head through iron rod. Petitioner No.1 Mukesh Mahto also gave iron rod blow as a result thereof he sustained fracture injury at his right palm. At that time, Rajesh Mahto snatched Rs. 25000/- from the pocket of the informant.

Learned counsel for the petitioners submits that the specific allegation is against the Rajesh Mahto, who gave iron rod blow at the head of informant, whereas petitioner No.2 caused injury at the left palm of the informant. Further submission is that the injury No.1, which is said to be caused by petitioner No.2 is simple in nature. The injury No.2, which is attributed against the petitioner No.1 is grievous in nature.

Having regard to the facts and circumstances of the case, let the petitioner No.2 Rajesh Kumar @ Rajesh Kumar Mahto @ Rajesh Mahto, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate-I,



West Muzaffarpur in connection with Sahebganj P.S. Case No. 431 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner No.1 Mukesh Mahto is concerned, considering the facts and circumstances of the case and the nature of allegation against the petitioner No.1 Mukesh Mahto, I am not inclined to grant anticipatory bail to him. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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