

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52065 of 2019

Arising Out of PS. Case No.-70 Year-2019 Thana- GORIAKOTHI District- Siwan

1. JITENDRA MAHATO,
2. Birendra Mahato, Both Sons of Hariba Mahto
3. Chandrama Mahato, Son of late Jariba Mahto
4. Deepak Mahato @ Deepak Kumar Mahto, Son of Chandrama Mahato
All are Residents of Village - Dudhra, P.S.- Goreakothi, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-08-2019 Heard both sides.

The petitioners apprehend their arrest in Goreakothi P.S. Case No.70 of 2019 registered under Sections 341, 323, 324, 325, 308, 504 and 34 of the Indian Penal Code.

The informant named six persons including the petitioners and alleged that they assaulted the informant with stick. On alarm, her husband(Shivayodhya Mahto) and daughter(Baby Kumari) came to save, Jitendra Mahato assaulted Baby Kumari with dab on her head. Chandrama Mahato assaulted Titari Mahto causing fracture injury on his hand. The accused persons also assaulted Chhotu Kumar, son of the informant.



The learned counsel for the petitioners submits that there is a counter version being Goreakothi P.S. Case No.69 of 2019. Both the sides entered into mutual assault on each other. It is further submitted that all other injured got simple injuries save and except Titari Mahto. Chandrama Mahato(petitioner No.3) is said to have assaulted Titari Mahto with lathi on his hand and the injury was found grievous on account of fracture. Deepak Mahato assaulted Baby Kumari but Baby Kumari also got simple injury. Jitendra Mahato and Birendra Mahato also got simple injury.

It appears that both sides entered into scuffle with each other and on account of scuffle made by Jitendra Mahato, Birendra Mahato and Deepak Mahato, the informant and others got simple injuries.

Taking into consideration the facts aforesaid, let the petitioner No.1, namely, Jitendra Mahato, petitioner No.2, namely, Birendra Mahato and petitioner No.4, namely, Deepak Mahato @ Deepak Kumar 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 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 Chief Judicial Magistrate, Siwan in connection with Goreakothi P.S. Case No.70 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner No.3(Chandrama Mahato) is concerned, there is specific allegation that he assaulted Titari Mahto and Titari Mahto got grievous injury on account of fracture on the hand.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner No.3(Chandrama Mahato) on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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