

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53416 of 2019

Arising Out of PS. Case No.-592 Year-2018 Thana- NAUTAN District- West Champaran

1. Om Prakash Mahto @ Om Prakash Mandal (M) aged about 25 years, Son of Birbahadur Mahto, Resident of Village - Nakti Paterwa, P.S.- Jagdishpur (Nautan), Distt - West Champaran.
2. Lachchan Mahto (M) aged about 35 years, Son of Sukhdev Mahto, Resident of Village - Nakti Paterwa, P.S.- Jagdishpur (Nautan), Distt - West Champaran.
3. Adya Mahto (M) aged about 50 years, Son of Ganga Mahto, Resident of Village - Nakti Paterwa, P.S.- Jagdishpur (Nautan), Distt - West Champaran.
4. Manoj Mahto (M) aged about 30 years, Son of Kanti Mahto, Resident of Village - Nakti Paterwa, P.S.- Jagdishpur (Nautan), Distt - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-08-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Nautan (Jagdishpur) P.S. Case No. 592 of 2018 registered under sections 447, 341, 323, 324, 307, 379, 504/34 of the IPC.

The allegation against the petitioners, as per the first information report, is that petitioners assaulted the informant and his other family members by means of various weapons. Allegation against the petitioner no. 1 Om Prakash Mahto @ Om Prakash Mandal is that he assaulted Ramkali Dvi by means



of Farsa on her head, allegation against petitioner no. 2, Lachhan Mahto is not specific, allegation against petitioner no. 3, Adya Mahto is that he assaulted Akhilesh Mahto by means of Bhala on his head and allegation against petitioner no. 4, Manoj Mahto is that he assaulted Indrajeet Mahto.

Mr. Aditya Nath Jha, learned counsel appearing for the petitioners submits that both the parties are neighbors and there is a case and counter case between the parties inasmuch as Nautan (Jagdishpur) P.S. Case No. 593 of 2018 has been lodged by the side of the petitioners against the side of the prosecution and the side of the petitioners have also received injury. Learned counsel further submits that there is a dispute regarding passage between the parties. Learned counsel relied upon Annexure-2, which is the injury report of Ram Kali Devi, Akhilesh Mahto and Indrajeet Mahto and from perusal of the same, it is evident that injury caused to Ram Kali Devi is simple in nature, caused by hard and blunt substance, whereas the allegation of assault upon her is by means of Farsa.

Learned counsel submits that injury caused to the victim does not corroborate the allegation against petitioner no. 1 in first information report. Learned counsel further submits that injury caused to Akhilesh Mahto as per the injury report at



page 35, it would be evident that the same is also simple in nature, caused by hard and blunt object, whereas the allegation of assault upon him by petitioner no. 3 is by means of Bhala on head. Accordingly, the submission is that the injury caused to the victim does not corroborate the allegation made against petitioner no. 3 in the first information report.

Learned counsel further submits that injury caused to Indrajeet Mahto, which is at page 29 of Annexure-2, it would be evident that injury caused to him is also simple in nature by hard and blunt object, whereas the allegation against petitioner no. 2 is not specific regarding the weapon used by him.

After having heard learned counsel for the parties and taking into consideration the fact that both the parties are neighbors and there is a dispute between them regarding passage and the case and counter case is also there between them and further injury caused to the victims are simple in nature, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon 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. West
Champanan at Bettiah, in connection with Nautan (Jagdishpur)
P.S. Case No. 592 of 2018 subject to the condition as laid down
under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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