

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54018 of 2019

Arising Out of PS. Case No.-440 Year-2018 Thana- KESARIA District- East Champaran

1. SAUDAGAR MAHTO Son of Late Kishun Mahto, Resident of Village- Bhusanlwa, Police Station- Kesariya, District- East Champaran.
2. Rakesh Mahto Son of Baldeo Mahto, Resident of Village- Bhusanlwa, Police Station- Kesariya, District- East Champaran.
3. Sangeeta Devi Wife of Baldeo Mahto, Resident of Village- Bhusanlwa, Police Station- Kesariya, District- East Champaran.
4. Shobha Devi wife of Ramdeo Mahto, Resident of Village- Bhusanlwa, Police Station- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Rajeev Nayan (App 231)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-08-2019 Heard both sides.

Petitioners apprehend their arrest in Kesariya P.S.

Case No.440 of 2018 registered under Sections 307, 379, 323
and other sections of the Indian Penal Code.

The informant named nine persons, including the
petitioners and alleged that they all came and abused the
informant and others. On protest, Baldeo Mahto is alleged to
have assaulted the husband of the informant with farsa on his
head. When Jadolal Mahto (devar of the informant) came to
save, the accused persons also assaulted him. Rakesh Mahto is



alleged to have taken away the ornaments and clothes of the daughter-in-law of the informant.

Learned counsel for the petitioners submits that there is a counter version being Kesariya P.S. Case No.439 of 2018. The injuries found on the persons of the injured are simple and superficial in nature. No specific allegation of assault is made against the petitioners. The allegation of theft is ornamental.

Having considered the facts that there is a case and counter case between both sides and there is no allegation of assault against the petitioners, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Kesariya P.S. Case No.440 of 2018 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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