

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7195 of 2019

Arising Out of PS. Case No.-44 Year-2018 Thana- GHOSWARI District- Patna

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1. BRIJNANDAN MAHTO @ BRIJNANDAN PRASAD MAHTO @ BIRIJNANDAN MAHTO Son of Late Shyam Kishore Mahto
 2. Dinesh Mahto @ Dinesh Prasad Son of Late Shyam Kishore Mahto
 3. Saro Devi Wife of Lal Bihari Mahto
 4. Sovsi Devi Wife of Brijnandan Mahto @ Brijnandan Prasad Mahto
All R/o village- Sahari , P.S- Ghoswari, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-02-2019 Heard both sides.

The petitioners apprehend their arrest in Ghoswari P.S. Case No.44 of 2018 registered under Section 307 and other minor Sections of the Indian Penal Code.

The informant, Harikant Mahto in sum and substance alleged that while he was putting khunta for tying his cattles, the petitioners and others having armed with different weapons came and claimed the land to be their own, on such, Brijnandan Mahto, petitioner No.1 assaulted Saheb Mahto, father of the informant with iron rod on his head. Dinesh Mahto, petitioner No.2 assaulted the informant with iron rod on his head. No specific allegation of assault is made against Saro Devi and



Sovsi Devi, petitioner Nos.3 and 4.

The learned counsel for the petitioners submits that petitioner Nos.3 and 4 are ladies. There is a counter version being Ghoswari P.S. Case No.45 of 2018. The petitioners and informant are co-sharers. On account of land dispute, both sides entered into mutual assault on each other and from the side of the petitioners also, many persons sustained injuries.

On the other hand, learned counsel for the informant submits that of course, the occurrence took place on account of land dispute but on account of assault made by Brijnandan Mahto, Saheb Mahto got one injury on head which is opined to be grievous in nature and Dinesh Mahto assaulted informant, Harikant Mahto who also sustained grievous injury on head.

Taking into consideration the facts that on account of assault made by Brijnandan Mahto, petitioner No.1 on the head of Saheb Mahto and Dinesh Mahto on the head of Harikant Mahto, Saheb and Harikant caused head injuries, which are grievous in nature, I am not inclined to enlarge the petitioner Nos.1 and 2 on anticipatory bail. Accordingly, their prayer for anticipatory bail is rejected.

So far as the case of Saro Devi and Sovsi Devi is concerned, they are of course named in the F.I.R. but no specific



allegation of assault is made save and except Harikant and Saheb got superficial and simple injury. Petitioner Nos.3 and 4 are ladies.

Considering the facts aforesaid, let the petitioner No.3, Saro Devi and petitioner No.4, Sovsi Devi, 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 Additional Chief Judicial Magistrate-III, Barh, Patna in connection with Ghoswari P.S. Case No.44 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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