

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68082 of 2019

Arising Out of PS. Case No.-111 Year-2019 Thana- DIGHWARA District- Saran

1. BITTU KUMAR Son of Arun Kumar, Resident of Village - Manpur, P.S. - Dighwara, Distt.- Saran at Chapra
2. Arbind Mahto @ Maninder Mahto @ Manindar Kumar Son of Late Jodha Singh, Resident of Village - Manpur, P.S. - Dighwara, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-11-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P.

Petitioners apprehend their arrest in Dighwara P.S. Case No.111 of 2019 registered under Sections 341, 323, 324, 307, 354, 504 and 34 of the Indian Penal Code.

The informant alleged that while his niece was going to school, Bittu Kumar (petitioner no.1) caught her and on alarm, Bittu Kumar assaulted her with fists, slaps and stick but his niece returned weeping to her house. When the informant and others went to the house of Bittu Kumar to enquire about, Bittu Kumar and others having armed with different weapons came and assaulted the informant and others. Bittu Kumar is alleged to have assaulted Kapil Mahto with farsa on his head. Arbind Mahto is alleged to have assaulted other family members of the informant.



Learned counsel for the petitioners submits that there is a counter version being Dighwara P.S. Case No.110 of 2019. According to the prosecution version, the first occurrence took place when Bittu Kumar is said to have caught the niece of the informant but thereafter the informant and his family members came to the house of the petitioners and picked up quarrel. The informant and others assaulted the petitioners and others in which Bittu Kumar also got injury. It is further submitted that both sides are close agnates and, therefore, the allegation of catching the niece of the informant by Bittu Kumar is false and concocted.

From perusal of the injury report of Kapil Mahto, it appears that Kapil Mahto got one sharp cut injury on his head which is superficial and simple in nature. The report of C.T. Scan shows no abnormality but even on the basis of dimension of injury, it can be said that the same is superficial.

Learned counsel for the informant and learned APP vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the genesis of the case is that Bittu Kumar (petitioner no.1) caught the niece of the informant with an intention to outrage her modesty and he assaulted Kapil Mahto with farsa on his head, therefore, Bittu Kumar does not



deserve anticipatory bail.

It appears from the facts of the case and counter case and the fact that both sides are close agnates and a suit bearing Title Suit No.77 of 2019 is pending between two sides. The first occurrence is alleged to have taken place while the niece of the informant was going to school and Bittu Kumar caught her but thereafter the informant side claimed to have gone to the house of the petitioners where there was a mutual assault on each other and both sides received injury.

Having considered the facts aforesaid, 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., Chapra (Saran) in connection with Dighwara P.S. Case No.111 of 2019, 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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