IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73110 of 2019

Arising Out of PS. Case No.-140 Year-2019 Thana- DUMARIAGHAT District- East Champaran

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1. Ganesh Mahto, Son of Suba Mahto Resident of Village - Sarotar, P.S.- Dumaria Ghat, Distt.- East Champaran.
2. Aneeta Devi W/o Ganesh Mahto Resident of Village - Sarotar, P.S.- Dumaria Ghat, Distt.- East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Karandeep Kumar
For the Opposite Party/s : Mr.Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 19-11-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dumariaghat P.S. Case no. 140 of 2019, registered under Sections 447, 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that before three to four days, informant dug plinth to construct his house during that course some soil fall on the land of Ganesh Mahto (Petitioner No.1). On 23.07.2019, while informant was at his door, in the meantime, Ganesh Mahto (petitioner No.1), Dinesh Mahto, Anita Devi (petitioner No.2) and Kiran Devi having axe and wooden logs in their hands came at the door of informant and started to abuse. When informant made protest then on the

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order of Dinesh Mahto, Anita Devi caused injury through axe at his head then he fell down and Dinesh Mahto gave axe blow causing injury near his left eye. At that time, Kiran Devi snatched gold locket worth of Rs. 6000/-.

Learned counsel for the petitioners submits that occurrence of Marpit took place due to land dispute in which informant received simple injury, as detailed in order dated 27.09.2019 passed in ABP No. 2642 of 2019 by the Sessions Judge, East Champaran, Motihari whereby the learned Sessions Judge, Motihari rejected the prayer for anticipatory bail petition of the petitioner. Further submission is that both the petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.1, East Champaran at Motihari in connection with Dumariaghat P.S. Case No. 140 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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