

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5869 of 2020**

Arising Out of PS. Case No.-346 Year-2019 Thana- ROSERA District- Samastipur

1. AJIT MAHTO @ AJIT KUMAR MAHTO S/o Ganga Prasad Mahto @ Ganga Pd. Mahto R/o village- Bataha, P.S.- Rosera, District- Samastipur
2. Ranjeet Mahto S/o Ganga Prasad Mahto @ Ganga Pd. Mahto R/o village- Bataha, P.S.- Rosera, District- Samastipur
3. Chiriya Devi @ Chareaa Devi W/o Ajit Mahto @ Ajit Kumar Mahto R/o village- Bataha, P.S.- Rosera, District- Samastipur
4. Ramkhelawan Sah S/o Late Santoshi Sah R/o village- Bataha, P.S.- Rosera, District- Samastipur
5. Md. Sattar Shekh @ Santar Shekh @ Md. Sattar Sekh @ Md. Santar S/o Md. Salim @ Same @ Samo Shaikh R/o village- Bataha, P.S.- Rosera, District- Samastipur

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 27-08-2020 Heard learned counsel for the petitioners and Mr. Dilip Kumar No. 1, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Rosera P.S. Case No. 346 of 2019 registered for the offences punishable under Sections 147, 307, 323, 341, 353(B), 379, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that both the parties are close neighbours and co-sharers and from a reading of the First Information Report itself it would appear that the dispute broke out while one of the parties wanted to do some work on a piece of



land without carrying measurement.

Learned counsel submits that although there are allegations against petitioner no. 1 and 2 of having assaulted the husband of the informant causing injuries on his head but those injuries are simple in nature, therefore considering this aspect and also that now the parties have in order to buy peace and live together, entered into a compromise, a copy of which is available on the record, the petitioners may be granted privilege of anticipatory bail. So far as other petitioners are concerned, there are only general and omnibus kind of allegations with some superimpositions.

Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioners. It is submitted that against petitioner no. 1 and 2 there are specific allegations, though against others the allegations are general and omnibus.

Considering the facts and circumstances of the case as also on going through the materials on the record having noticed that so far as petitioner no. 1 and 2 are concerned, they are said to have assaulted by hard and blunt object upon the husband of the informant causing one lacerated wound and one abrasion on the scalp which are though simple in nature, I am not inclined to grant privilege of anticipatory bail to petitioner no. 1 and 2. Their prayer for anticipatory bail is thus, refused.

At the same time, since this Court has noticed that dispute between the parties who are co-sharers took place over a piece of



land and the injuries are simple in nature as also that the parties are said to have entered into a compromise to buy peace and live together, in case of their arrest or surrender within four weeks from today and in case petitioner no. 1 and 2 pray for regular bail in the court below, the court below shall certainly consider the prayer of petitioner no. 1 and 2 keeping in view the nature of dispute, nature of injury and relationship between the parties as also the subsequent development and the prayer for regular bail shall not be refused only because this Court has not granted them anticipatory bail. The prayer for regular bail, thus, be considered independently keeping in view the aforesaid aspects.

So far as petitioner nos. 3, 4 and 5 are concerned, this Court having noticed that there are general and omnibus allegations and other materials, let the petitioner nos. 3, 4 and 5 above named in the event of their arrest or surrender within a period of six weeks from today in connection with Rosera P.S. Case No. 346 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) their with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Rosera, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when



required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

The application stands partly allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

