

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9865 of 2020

Arising Out of PS. Case No.-201 Year-2014 Thana- ALOULI District- Khagaria

1. ANIL MAHTON Son of Ram Khelaban Mahto
2. Rekha Devi Wife of Anil Mahton both Resident of Village - Kehuna Shumbha, P.S.- Alauli, Distt - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Humayu Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-06-2020 This case has been heard through video conferencing.

Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 341, 323,
325, 307, 506 and 504/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that on
15.07.2014 his brother Anil Mahton and Rekha Devi
(petitioners) were abusing his father and on objection, both
accused persons assaulted him with fists, slaps and thick wood.
In course of assault, his left hand fractured. They assaulted him
on his head with an intention to kill. It is further alleged that
nearby people saw the occurrence. Accused persons threatened
him to kill. After X-ray it was found that the bone of hand had



broken.

It is submitted by learned counsel for the petitioners that they are innocent and have been falsely implicated in this case due to land dispute. He submits that informant and petitioner no. 1 are full brothers and in fact there was some hot exchange of words between both the brothers on the point of land dispute. He submits that actually occurrence took place on 15.07.2014 but FIR was lodged on 10.08.2014 and there was no reasonable explanation regarding the said delay. He further submits that petitioner bears no criminal antecedent.

Considering the facts and circumstances of the case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Khagaria, in connection with Alauli P.S. Case No. 201 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjani Kumar Sharan, J)

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