

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24941 of 2020

Arising Out of PS. Case No.-128 Year-2019 Thana- DEWARIA District- Muzaffarpur

1. Bindeshwar Mahto, aged about 35years (M), S/o- Jay Lal Mahto, Resident of Village- Ramchandrapur, P.S.- Deoriya, District- Muzaffarpur.
2. Shiv Shankar Mahto, aged about 23 years (M), S/o- Chandeshwar Mahto, Resident of Village- Ramchandrapur, P.S.- Deoriya, District- Muzaffarpur.
3. Munni Devi, aged about 32 years (F), Wife of Bindeshwar Mahto, Resident of Village- Ramchandrapur, P.S.- Deoriya, District- Muzaffarpur.
4. Shanti Devi, aged about 31 years (F), Wife of Chandeshwar Mahto, Resident of Village- Ramchandrapur, P.S.- Deoriya, District- Muzaffarpur.
5. Anita Devi, aged about 30 years (F), Wife of Dineshwar Mahto, Resident of Village- Ramchandrapur, P.S.- Deoriya, District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Hari Kishore Thakur, Advocate.
For the Opposite Party : Mr. Nityanand Tiwari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and learned



A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offences registered under Sections 147, 148, 149, 341, 323, 324, 326, 447 and 379 of the I.P.C.

The prosecution case, in short, is that the petitioner no. 1 Bindeshwar Mahto and his brother co-accused Dineshwar Mahto run illegal shop of toddy and liquor and on protest, they assaulted the informant and her husband with intention to kill. For that, she has filed two separate cases in which they used to threaten her to compromise the aforesaid cases otherwise they would kill her but she did not compromise the cases. On 02.06.2019 at about 6.30 hours, when she was in her *Courtyard*, petitioner no. 1 Bindeshwar Mahto, co-accused Dineshwar Mahto, petitioner no. 2 Shiv Shankar Mahto, co-accused Khumnath Mahto, petitioner no. 4 Shanti Devi and petitioner no. 5 Anita Devi armed variously came there and driven her husband from the village. Petitioner no. 1 Bindeshwar Mahto was chasing her husband with rifle if her husband did not flee he would have killed her husband. Thereafter, all the accused persons entered into her house and co-accused Dineshwar Mahto inflicted *Farsa* blow on her daughter namely, Champa, causing head injury. Petitioner no. 2 Shiv Shankar Mahto broken



her thumb with *Lathi* and other accused persons assaulted with *Lathi* and when she came to rescue her daughter, petitioner no. 1 Bindeshwar Mahto inflicted with the *Butt* of the *Gun* on her face whereby her teeth was broken and bleeding began to take place. Petitioners Munni Devi, Shanti Devi and Anita Devi snatched her *Mangalsutra* and gold *Dholna* from the neck of her daughter.

It has been submitted on behalf of the petitioners that the petitioner nos. 1, 2, 3 and 5 have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. Nature of injury is said to be simple. Due to petty dispute, the alleged occurrence is said to have taken place.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory 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 Judicial Magistrate-Ist Class, Muzaffarpur, in connection with Deoriya



P.S. Case No. 128 of 2019, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

