

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25496 of 2020

Arising Out of PS. Case No.-370 Year-2019 Thana- HARSIDHI District- East Champaran

1. Mahendra Mahto, S/o Surya Mahto @ Suraj Mahto R/o Village- Baharampur Jagapakad, P.S.- Harsidhi, district- East Champaran.
2. Nagina Mahto, S/o Pukar Mahto R/o Village- Baharampur Jagapakad, P.S.- Harsidhi, district- East Champaran.
3. Ramashish Mahto, S/o Dhani Mahto R/o Village- Baharampur Jagapakad, P.S.- Harsidhi, district- East Champaran.
4. Sunaina Devi, W/o Jagru Mahto R/o Village- Baharampur Jagapakad, P.S.- Harsidhi, district- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Advocate.

For the Opposite Party/s : Mr. Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 21-10-2020 In view of the submission and undertaking of the learned counsel for the petitioners, at the time of hearing of this application through Video Conferencing, that he would remove the defect(s), as pointed out by the stamp reporter, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Learned counsel for the petitioners seeks permission to withdraw this application, as petitioner no.3, Ramashish Mahto, has been arrested by the police.

Permission is accorded.



Accordingly, this application is dismissed as withdrawn with regard to petitioner no.3, Ramashish Mahto.

Heard learned counsel for the petitioner nos. 1, 2 and 4 and the learned A.P.P. for the State through Video Conferencing.

The petitioner nos. 1, 2 and 4 apprehend their arrest in connection with Harsidhi P.S. Case No. 370 of 2019, registered under Section 341, 323, 324, 379, 354, 506, 504 and 448/34 of the Indian Penal Code.

The accusation is that in the evening of 31.10.2019, informant, Raj Kumari Devi, was at her door. At that time, Mahendra Mahto (petitioner no.1), Nagina Mahto (petitioner no.2), Ramashish Mahto (petitioner no.3) and Belsh Mahto came at her door and started to abuse. When she made protest then Mahendra Mahto (petitioner no.1) gave Farsa blow causing grievous injury at her head, denoting her Witch. When her son, Nikesh Kumar, rushed to save her then he was assaulted by Nagina Mahto (petitioner no.2). At that time, her daughter, Shanti Devi also came there then Kajal Devi and Ramashish Mahto (petitioner no.3) started to abuse and gave iron rod blow. Thereafter, Rajendra Mahto, Rambrich Mahto and Sunaina Devi (petitioner no.4) also caused injury through fist and slaps. In the



meantime, they also snatched her ornaments.

Learned counsel for the petitioners submits that, in fact, occurrence of Marpit took place due to some dispute, in which, petitioners' side also sustained injury, regarding which, Harsidhi P.S. Case No. 369 of 2019 is also instituted on the basis of written report of petitioner no.4, Sunaina Devi, against the husband of the informant and others. Further submission is that the injuries, as found on the person of the informant is simple in nature, except injury no. 1, incised wound found on the left parietal region of the scalp, i.e, 2 ½" X 1/3" X 1/4", which is attributed against Mahendra Mahto (petitioner no.1).

Having regard to the facts and circumstances of the case, let the petitioner nos. 2 and 4, namely, Nagina Mahto and Sunaina Devi, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Harsidhi P.S. Case No. 370 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as the bail prayer of petitioner no.1,



Mahendra Mahto, is concerned, having considered the facts and circumstances of the case and the nature of allegation against him, I am not inclined to grant anticipatory bail to the petitioner no.1. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no. 1 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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