

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66447 of 2019

Arising Out of PS. Case No.-56 Year-2019 Thana- SIKANDRA District- Jamui

1. BALRAM KUMAR Son of Awadhesh Mahto Resident of Village- Fatehpur, P.S.- Sikandra, District- Jamui.
2. Suraj Kumar Son of Om Prakash Mahto Resident of Village- Fatehpur, P.S.- Sikandra, District- Jamui.
3. Chandan Kumar Son of Sachchidanand Mahto Resident of Village- Fatehpur, P.S.- Sikandra, District- Jamui.
4. Ajay Kumar Son of Harihar Mahto Resident of Village- Fatehpur, P.S.- Sikandra, District- Jamui.
5. Kundan Kumar Son of Awadhesh Mahto Resident of Village- Fatehpur, P.S.- Sikandra, District- Jamui.
6. Rajballabh Mahto Son of Ramnath Mahto Resident of Village- Fatehpur, P.S.- Sikandra, District- Jamui.
7. Dilip Mahto Son of Rambharosi Mahto Resident of Village- Fatehpur, P.S.- Sikandra, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Sahay
For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 06-03-2020 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 504 and 506 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Sunil



Mahto submitted to the Station House Officer, Sikandara Police Station, is to the effect that on 04.03.2019 at about 9-10 P.M., there was some hot exchange of words between the nephew of the informant, Pintu Kumar and his co-villager Balram Kumar, as a result, petitioner nos. 2 to 5 assaulted the nephew of the informant with fists and slaps. Thereafter, when the informant and his son, Rajat Kumar and Sheo Keshwar were returning back to his house and as soon as they reached near the High School, Fatehpur, all the accused persons including the petitioners assaulted the informant. It is specifically alleged that when the informant tried to save his life by entering into the house of one Masudan Mahto then petitioner no.5, Kundan Kumar dragged him out, whereas petitioner no.2 Suraj Kumar assaulted with an iron rod on his head, as a result he received fracture injury on his left hand. Thereafter, petitioner no.6, Raj Ballah Mahto assaulted the informant with the butt of musket and petitioner no. 3, Chandan Kumar and petitioner no. 4, Ajay Kumar assaulted the sons of the informant with lathi and iron rod and co-accused, Deepak Kumar assaulted with the butt of the pistol on the head of the informant.

It is submitted by learned counsel for the petitioners that in the background of petty dispute, the accusation has been



levelled against the petitioners. For the alleged occurrence of 04.03.2019 at about 9-10.00 P.M., the FIR has been lodged on 05.03.2019 at 10.10 P.M. and there is no explanation for such delay in lodging of the FIR. It is further submitted that though the informant has received altogether three injuries, but except one injury, which is alleged to have been caused by petitioner no.2, Suraj Kumar, which has been found grievous, the two other injuries have been found simple superficial in nature, which also gets reflected from the impugned order. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, after going through the case diary, submits that all the petitioners assaulted the informant and one of the injuries of the informant have been found grievous.

Considering the nature of the injury of the informant, which is alleged to have been caused by petitioner no.2, Suraj Kumar, being found grievous, this Court is not inclined to grant anticipatory bail to petitioner no.2, Suraj Kumar.

Accordingly, the prayer for anticipatory bail of petitioner no.2 is rejected.

So far as remaining petitioners are concerned, considering the genesis of the occurrence, delayed lodging of the FIR and



the fact that injuries caused by other petitioners have been found simple, coupled with the fact that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M., 1st Class, Jamui in connection with Sikandra P.S. Case No. 56 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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