

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76835 of 2019

Arising Out of PS. Case No.-277 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

1. Kapildeo Mahto, Son of Late Pachkauli Mahto, Resident of Village - Belahi Nilkanth, P.S.- Runnisaidpur, Distt.- Sitamarhi.
2. Rajesh Kumar, Son of Late Pachkauli Mahto, Resident of Village - Belahi Nilkanth, P.S.- Runnisaidpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 03-02-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Runnisaidpur P.S. Case No. 277 of 2019 registered under Sections 307, 379 and other allied Sections of the Indian Penal Code.

The accusation is that, in the evening of 05.07.2019, three persons named in the FIR including the petitioners came at the door of the informant, Ram Ekbal Mahto having Bhala, Garasa and sword and started to abuse and cause assault to him. On raising alarm, when his father, Shiv Shankar Kumar came to save him then his father was also assaulted by petitioner no. 1 causing injury at his head and petitioner no. 2 also assaulted his father through Garasa. At that time, Hemant Mahto, took cash of Rs.4,000/- from his pocket.



Learned counsel for the petitioners submits that, in fact, due to draining out dirty water from the house, scuffle took place in between the both parties but with ulterior motive, the present case has been lodged with false allegation. Moreover, while the case diary was called for by the court below at the time of disposal of pre-arrest bail of the petitioner but there was no description of injury report in the case diary. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners 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, Sitamarhi, in connection with Runnisaidpur P.S. Case No. 277 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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