

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84655 of 2019

Arising Out of PS. Case No.-83 Year-2019 Thana- KUNDWACHAINPUR District- East
Champaran

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1. MOHAN MAHTO Son of Bahadur Mahto Resident of Village-Balua Guabari, P.S.-Kundwa Chainpur, District-East Champaran.
 2. Chunchun Mahto @ Munna Mahto Son of Bahadur Mahto Resident of Village-Balua Guabari, P.S.-Kundwa Chainpur, District-East Champaran.
 3. Manoj Mahto Son of Bahadur Mahto Resident of Village-Balua Guabari, P.S.-Kundwa Chainpur, District-East Champaran.
 4. Saroj Mahto Son of Bahadur Mahto Resident of Village-Balua Guabari, P.S.-Kundwa Chainpur, District-East Champaran.
 5. Fool Devi Wife of Sanjay Mahto Resident of Village-Balua Guabari, P.S.-Kundwa Chainpur, District-East Champaran.
 6. Ritu Devi Wife of Mohan Mahto Resident of Village-Balua Guabari, P.S.-Kundwa Chainpur, District-East Champaran.
 7. Ranju Devi Wife of Chunchun Mahto Resident of Village-Balua Guabari, P.S.-Kundwa Chainpur, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar No.1
For the State	:	Mr. Ajit Kumar
For the Informant	:	Mr. Karandeep Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 25-06-2020 Heard the learned counsel for the petitioners, the learned APP and the learned counsel for the informant.

The matter has been taken up through video conferencing.

The petitioners apprehend their arrest in Kundwa Chainpur P.S. case No. 83/2019 registered under Section 307, 354, 354-B, 379 and some other Sections of the IPC.

The informant named nine persons, including the seven petitioners, and alleged that they, having armed with



different weapons, came. Sanjay Mahto (not petitioner) assaulted the informant with Dab causing injury on his head. Mohan Mahto, petitioner No.1 assaulted the informant with Farsa on his head. Chunchun Mahto, petitioner No.2, assaulted him with iron rod. When Uma Devi, wife of informant, came to save all the accused persons dragged her and assaulted his wife and mother, Sudama Devi. All the accused persons also assaulted Bihari Mahto, cousin of the informant.

The learned counsel for the petitioners submits that informant got three injuries, out of which injuries on the hand are grievous in nature. There is no allegation of assault against petitioners No. 3 to 7. There is counter version. The petitioners are co-sharers and several cases are pending between the two sides.

The learned APP and the learned counsel for the informant, however, opposed the prayer for anticipatory bail.

Perused the FIR and the case diary.

There is specific allegation against Mohan Mahto and Chunchun Mahto that they assaulted the informant with Farsa and iron rod on his hand and other parts of the body. The hands of the informant are found fractured. Sanjay Mahto is alleged to have assaulted the informant with Dab on his head. Mohan Mahto and Chunchun Mahto are also alleged to have assaulted Bihari Mahto, cousin of the informant, and mother of the informant. There are corresponding injuries on their persons. The mother of the informant got grievous injuries.

Taking into consideration the facts aforesaid, I am not inclined to enlarge petitioner No.1. Mohan Mahto and petitioner No.2. Chunchun Mahto @ Munna Mahto, on anticipatory bail. Accordingly, the same is rejected.



So far as case of petitioners No.3. Manoj Mahto, 4. Saroj Mahto, 5. Fool Devi, 6. Ritu Devi and 7. Ranju Devi are concerned, there is no specific allegation of assault against them. There is counter version.

Considering the facts aforesaid the petitioners No. 3 to 7, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Sikrahna at Dhaka, East Champaran in connection with Kundwa Chainpur P.S. case No. 83/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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