

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43759 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- SUPPI District- Sitamarhi

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1. MUKESH MAHTO SON OF RAMDAYAL MAHTO @ NANAKU MAHATO R/O VILLAGE- SASAULA KALA, P.S.- SUPPI, DISTRICT- SITAMARHI.
 2. SURESH MAHTO SON OF RAMDAYAL MAHTO @ NANAKU MAHATO R/O VILLAGE- SASAULA KALA, P.S.- SUPPI, DISTRICT- SITAMARHI.
 3. NARESH MAHTO SON OF RAMAUTAR MAHTO R/O VILLAGE- SASAULA KALA, P.S.- SUPPI, DISTRICT- SITAMARHI.
 4. CHHOTE MAHTO SON OF PARIKSHAN MAHTO R/O VILLAGE- SASAULA KALA, P.S.- SUPPI, DISTRICT- SITAMARHI.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Virendra Kumar, Advocate.
For the State	:	Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 02-09-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 05.08.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.1, namely, Mukesh Mahto, and the petitioner no.3, namely, Naresh Mahto, have already been arrested by the police in this case



and, as such, this application, in respect of the petitioner petitioner no.1, namely, Mukesh Mahto, and the petitioner no.3, namely, Naresh Mahto, for granting them the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.1, namely, Mukesh Mahto, and the petitioner no.3, namely, Naresh Mahto.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Mukesh Mahto, and the petitioner no.3, namely, Naresh Mahto, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Suresh Mahto, and the petitioner no.4, namely, Chhote Mahto, for granting them the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.2, namely, Suresh Mahto, and the petitioner no.4, namely, Chhote Mahto, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner petitioner no.2, namely, Suresh Mahto, and the petitioner no.4, namely, Chhote Mahto, apprehend their arrest in connection with Suppi P.S. Case No.07 of 2021



registered under Sections 341, 323, 324, 307, 354(B), 379, 447, 427 and 504/34 of the Indian Penal Code.

The accusation is that on 04.01.2021, when the informant Virendra Raut reached at his sugarcane field, then saw that one lady was cutting the sugarcane, then he went at the house of that lady to make complaint. Thereafter, 8 persons, named in the F.I.R., including the petitioner no.2, namely, Suresh Mahto, and the petitioner no.4, namely, Chhote Mahto, along with 10-12 unknown caused assault to him and, thereafter, on 05.01.2021, they, on entering into the house of the informant, damaged the households articles. At that time, the informant, his brother Jhapas Raut and Rupesh Raut were also assaulted. Chhote Mahto (petitioner no.4) caused assault to Rupesh Raut through Farsa at his head. Naresh Mahto and others including the petitioner no.2, namely, Suresh Mahto, caused assault to Jhapas Raut through Daab, due to which he became injured. All the aforesaid persons also committed “Maar-Peet” with the wife of the informant. At that time, Mukesh Mahto took cash Rs.25000/- from the house of the informant.

Learned counsel for the petitioner no.2, namely, Suresh Mahto, and the petitioner no.4, namely, Chhote Mahto,



submits that, in fact, due to petty dispute, the occurrence of “Maar-Peet” took place between the parties in which the the side of the petitioner no.2, namely, Suresh Mahto, and the petitioner no.4, namely, Chhote Mahto, also sustained injuries regarding which on the basis of the fardbeyan of the co-accused Mukesh Mahto, Suppi P.S. Case No.06 of 2021 was also instituted against the prosecution party.

Having considered the facts and the circumstances of the case, let the petitioner no.2, namely, Suresh Mahto, and the petitioner no.4, namely, Chhote Mahto, in the event of their arrest or surrender by them within six weeks from today, 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 the Chief Judicial Magistrate, Sitamarhi, in connection with Suppi P.S. Case No.07 of 2021, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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