

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34024 of 2020

Arising Out of PS. Case No.-164 Year-2019 Thana- PHULWARIA District- Begusarai

1. VIKASH ROY @ VIKASH @ VIKASH MAHTO Son of Garib Mahto Resident of Village - Bakhtar Sthan, Phulwaria,-03, P.S. - Phulwaria, District - Begusarai.
2. Sunil Roy @ Sunil Mahto @ Panki Son of Garib Mahto Resident of Village - Bakhtar Sthan, Phulwaria,-03, P.S. - Phulwaria, District - Begusarai.
3. Mukesh Roy @ Mukesh Mahto Son of Garib Mahto Resident of Village - Bakhtar Sthan, Phulwaria,-03, P.S. - Phulwaria, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 21-06-2021 Heard both sides.

The petitioners apprehend their arrest in Phulwaria PS case No. 164/2019 registered under Section 147, 341, 323, 307, 379, 504, 506, 324, 427 of the IPC.

The informant alleged that while he was sitting on the shop of his nephew, Anil Mahto, Sunil Mahto @ Panki, petitioner No.2, Mukesh Mahto, petitioner No.3, Vikash Mahto, petitioner No.1, Vinod Mahto, Jaiti Mahto, Om Prakash, Raju Mahto, Garib Mahto and Amar Kumar Mahto and others having armed with different weapons came. The accused persons assaulted the informant. The nephew of informant came and



took the blow on his hand. The nephew of informant got cut injury on his left hand. Anil Mahto assaulted his nephew, Sanjay Mahto. When Dilip Mahto, brother of informant, came to save Sunil Mahto and Mukesh Mahto assaulted him on his head, hand and right armpit. His brother fell down on the ground. Vikash Mahto assaulted the informant on his right eye. All the accused persons took away Rs. 3,000/- from the shop.

The learned counsel for the petitioners submits that petitioners are innocent and they have in fact committed no offence. There is admitted land dispute between two sides and a litigation is going on between them. From perusal of the injury report, it would appear that Aklu Mahto got injury on his left eye. The injury is opined to be grievous in nature. The assailant of Aklu Mahto is Vikash Mahto, petitioner No.1. Sunil Mahto and Mukesh Mahto are assailants of Dilip Roy. Dilip Roy got as many as four injuries. The injury found on head and right side of chest are simple in nature but on account of fracture of mid shaft of right ulna injury no.3 is opined to be grievous in nature. It is further submitted that grievous injury is not found on any other part of the body.

The learned APP opposed the prayer for anticipatory bail.



So far as petitioner No.1, Vikash Roy @ Vikash @ Vikash Mahto is concerned, he is alleged to have assaulted the informant causing injury on his left eyebrow. The injury is opined to be grievous in nature.

Taking into consideration the facts aforesaid and the fact that there is land dispute between two sides, the petitioner No.1, namely, Vikash Roy @ Vikash @ Vikash Mahto, in the event of his arrest/ surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Begusarai in connection with Phulwaria P.S. case No. 164/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as case of petitioner No.2, Sunil Roy @ Sunil Mahto @ Panki and petitioner No.3, Mukesh Roy @ Mukesh Mahto is concerned, they are alleged to have indiscriminately assaulted Dilip Roy. Dilip Roy got as many as four injuries on his head, chest and right hand. Mid shaft of his right ulna was found fractured and the doctor opined the injury to be grievous



in nature.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner No.2 and petitioner No. 3 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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