

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34117 of 2020

Arising Out of PS. Case No.-167 Year-2020 Thana- BANIAPUR District- Saran

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1. RAM SUNDAR MAHTO @ RAM SUDAR MAHTO son of late Hawaldar Mahto
 2. Sharbjeet Mahto @ Sarabji Kumar son of Ram Sundar Mahto @ Ram Sudar Mahto
 3. Manoranjan Mahto @ Manrejan Kumar son of Ram Sundar Mahto @ Ram Sudar Mahto
 4. Sumitra Devi wife of Ram Sundar Mahto @ Ram Sudar Mahto
All above resident of Village- Pandeypur, Police Station- Baniyapur,
District- Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Satya Prakash, Adv.
For the State	:	Mr.Khurshid Anwar, APP
For the Informant	:	Mr.Anil Kumar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-03-2021 Heard both sides.

The petitioners apprehend their arrest in Baniyapur P.S. Case No.167 of 2020 registered under Sections 447, 504, 341, 324, 307, 323, 354(B), 379, 506 and 34 of the Indian Penal Code.

The informant, Wakil Mahto alleged that while he was sitting at his darwaja along with his family members, his neighbour Shailesh Mahto, son of Ram Sundar Mahto came and began to abuse. When the informant forbid, Shailesh Mahto assaulted him with fasuli on his head. Both the sons of the



informant came to save. Ram Sundar Mahto(petitioner No.1) assaulted the informant with dab on his head and other parts of his body. Sharbjeet Mahto @ Sarabji Kumar(petitioner No.2), Manoranjan Mahto @ Manrejan Kumar(petitioner No.3) and Sumitra Devi(petitioner No.4), sons and wife of Ram Sundar Mahto having armed with different weapons also came there and assaulted Shyam Babu, Ram Babu Mahto, Basanti Devi, Rina Devi, Jyoti Kumari, Rita Devi, the sons, wife, daughter and daughter-in-law of the informant. It is further alleged that accused persons also caught the hand of daughter-in-law of the informant with bad intention and took away different articles.

The learned counsel for the petitioners submits that only Wakil Mahto, the informant got injury which is fully described in para 11 of the bail petition. By filing supplementary affidavit the injury report has also been filed. It is further submitted that save and except the allegation on Ram Sundar Mahto(petitioner No.1), there is no specific allegation of assault against petitioner Nos.2 to 4. They are alleged to have assaulted the sons, wife, daughter and daughter-in-law of the informant but they did not sustain any injury. There is a series of civil litigation. Probate case and title suit are pending between the parties. There is a counter version being Baniyapur P.S. Case



No.168 of 2020. Shailesh Mahto and Ram Sundar Mahto were also injured and, therefore, the petitioners deserve anticipatory bail.

Learned A.P.P. as well as learned counsel for the informant vehemently opposed the prayer for anticipatory bail. Mr. Anil Kumar Tiwary, learned counsel for the informant submits that informant got many injuries. Shailesh Mahto and Ram Sundar Mahto(petitioner No.1) are alleged to have assaulted Wakil Mahto and the injuries found on the person of Wakil Mahto are grievous in nature. The informant further disclosed that he has got no injury report of other injured but there are allegations that they also assaulted the family members of the informant.

Having considered the submissions and on perusal of the records, it appears that informant of course made very specific allegation against Shailesh Mahto and Ram Sundar Mahto(petitioner No.1). From perusal of the injury report of Wakil Mahto(the informant), it appears that there are as many as four injuries and the injuries are fracture on frontal bone involving walls of frontal sinus nasal process left nasal bone was found and the injuries opined to be grievous in nature. Sharp cut wound and lacerated wound were found on forehead



and right parietal bone.

Taking into consideration the injury and the fact that Shailesh Mahto(non-petitioner) and Ram Sundar Mahto @ Ram Sudar Mahto(petitioner No.1) are alleged to have assaulted Wakil Mahto, the informant and he got grievous injury, I am not inclined to enlarge the petitioner No.1 on anticipatory bail. Accordingly, the prayer for anticipatory bail of Ram Sundar Mahto @ Ram Sudar Mahto(petitioner No.1) is rejected.

So far as the case of petitioner No.2, Sharbjeet Mahto @ Sarabji Kumar, petitioner No.3, Manoranjan Mahto @ Manrejan Kumar and petitioner No.4, Sumitra Devi is concerned, they are of course alleged to have assaulted the family members of the informant but learned counsel for the informant did not produce any injury report of any family members of the informant. Admittedly, there is a series of civil litigation between the two family members and there is a counter version. There appears that both sides entered into mutual assault on each other.

Taking into consideration the facts aforesaid, let the petitioner No.2, Sharbjeet Mahto @ Sarabji Kumar, petitioner No.3, Manoranjan Mahto @ Manrejan Kumar and petitioner No.4, Sumitra Devi in the event of their arrest or surrender



within a period of four weeks be released on bail 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 Additional Chief Judicial Magistrate XI, Saran at Chapra in connection with Baniyapur P.S. Case No.167 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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