

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36720 of 2020**

Arising Out of PS. Case No.-40 Year-2020 Thana- RAJEPUR District- East Champaran

RAJESH MAHTO Son of Upendra Mahto Resident of Village- Maniarpur,
P.S.- Rajepur, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 01-02-2021

Heard both sides.

The petitioner seeks bail in Rajepur P.S. case No. 40/2020 registered u/s 341, 323, 307, 379, 504/34 of the IPC.

The informant, Baldeo Mahto, named seven persons and alleged that Marachiya Devi caught hair of her daughter-in-law and put her down on the ground. She started assaulting her. When the informant went to save her daughter-in-law other accused persons came and started assaulting the informant. It is alleged that when his son Raushan and Bijali Mahto came to save Lakhindra Mahto assaulted Raushan with iron rod on his head. Raushan fell down on the ground. Other accused persons started assaulting Bijali Mahto. The petitioner is not the assailant of Raushan. The petitioner is only alleged to have snatched Rs. 5000/- from the pocket of the informant.

The learned counsel for the petitioner submits that the learned Additional Sessions Judge discussed the entire facts in his order and discussed only injury found on the person of Raushan. The assailant of Raushan is Lakhindra Mahto.



Annexure-2 is injury report of Raushan from which it would appear that the doctor found three injuries on the person of Raushan, that is, nasal bleeding, pain and swelling in head and swelling in both eyes. All the three injuries appeared to be on account of injury on head caused by Lakhindra Mahto. There is no injury report of Bijali Mahto and Baldeo Mahto on record. The petitioner is in custody since 18.08.2020.

Taking into consideration the facts that petitioner is not the assailant of Raushan and allegation against the petitioner in the FIR is omnibus and general that petitioner assaulted Bijali Mahto and snatched Rs. 5000/- from the pocket of informant for which the petitioner is in custody since 18.08.2020, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub divisional Judicial Magistrate, Sadar, Motihari in connection with Rajepur P.S. case No. 40/2020.

(Prabhat Kumar Jha, J)

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