

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38982 of 2020

Arising Out of PS. Case No.-87 Year-2020 Thana- TISIAUTA District- Vaishali

1. Bijan Mahto, Son of Lagan Mahto, Resident of Village - Tisiauta Dharampur, P.S. - Tisiauta, Dist. - Vaishali.
2. Dipo Devi, Wife of Lagan Mahto, Resident of Village - Tisiauta Dharampur, P.S. - Tisiauta, Dist. - Vaishali.
3. Sakindra Mahto, Son of Lagan Mahto, Resident of Village - Tisiauta Dharampur, P.S. - Tisiauta, Dist. - Vaishali.
4. Chandan Kumar, Son of Sakindra Mahto, Resident of Village - Tisiauta Dharampur, P.S. - Tisiauta, Dist. - Vaishali.
5. Pawan Mahto, Son of Sakindra Mahto, Resident of Village - Tisiauta Dharampur, P.S. - Tisiauta, Dist. - Vaishali.
6. Birchandra Mahto, Son of Lagan Mahto, Resident of Village - Tisiauta Dharampur, P.S. - Tisiauta, Dist. - Vaishali.
7. Kajal Kumari, Daughter of Birchandra Mahto, Resident of Village - Tisiauta Dharampur, P.S. - Tisiauta, Dist. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate.
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 13-07-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Learned counsel for the petitioners seeks permission to withdraw this application, as petitioner nos. 1, 2, 3, 4 and 6, namely, Bijan Mahto, Dipo Devi, Sakindra Mahto, Chandan



Kumar and Birchandra Mahto have been arrested by the police.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner nos. 1, 2, 3, 4 and 6.

Heard learned counsel for the petitioner nos. 5 and 7, namely, Pawan Mahto and Kajal Kumari and the learned A.P.P. for the State.

The petitioner nos. 5 and 7, namely, Pawan Mahto and Kajal Kumari apprehend their arrest in connection with Tisiauta P.S. Case No. 87 of 2020, registered under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

The accusation is that, on 16.08.2020, at about 6 P.M., while informant, Binod Mahto, was at his door, at that time, seven persons named in the FIR including petitioner nos. 5 and 7, namely, Pawan Mahto and Kajal Kumari variously armed with weapons came there and started to abuse and cause assault through lathi, danda and iron rod, in which, informant, Binod Mahto and his wife sustained injury.

Learned counsel for the petitioner nos. 5 and 7, namely, Pawan Mahto and Kajal Kumari submits that due to land dispute, occurrence of *Marpit* took place, in which, petitioners' side also sustained injury. Further submission is that



there is general and omnibus allegation against seven persons named in the FIR including petitioner nos. 5 and 7 to cause injury to the informant and his wife but the injuries, as found on the person of the informant and his wife, are simple in nature, which would appear from annexure 3 series. Further submission is that petitioner nos. 5 and 7 have no criminal antecedent.

Having regard to the facts and circumstances of the case, let petitioner nos. 5 and 7, namely, Pawan Mahto and Kajal Kumari, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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-IX, Vaishali at Hajipur, in connection with Tisiauta P.S. Case No. 87 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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