

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38345 of 2020

Arising Out of PS. Case No.-125 Year-2020 Thana- JANDAHA District- Vaishali

1. Dinesh Mahto, Son of Umesh Mahto, Resident of Village - Mahipura, P.S.- Jandaha, Distt.- Vaishali.
2. Raja Mahto, Son of Umesh Mahto, Resident of Village - Mahipura, P.S.- Jandaha, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 07-07-2021 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 no. 1, namely, Dinesh Mahto, has been arrested by the police.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner no.1.

Heard learned counsel for the petitioner no. 2, namely, Raja Mahto and the learned A.P.P. appearing for the State



through Video Conferencing.

The petitioner no. 2, Raja Mahto, apprehends his arrest in connection with Zandaha P.S. Case No. 125 of 2020, registered under Sections 143, 447, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

The accusation is that in the late evening of 05.08.2020, informant, Rudal Mahto, was at his door. At that time, five persons named in the FIR including the petitioners having lathi, iron rod and stick in their hands came there and started to abuse. At that time, Mahesh Mahto and Suraj Mahto caused injury at his forehead through farsa and sword and Shivji Mahto also caused injury to him through iron rod. In the meantime, Dinesh Mahto (petitioner no.1) and Raja Mahto (petitioner no.2) also caused injury through lathi and danda due to which, he become unconscious. On raising alarm, his wife and daughter rushed then they were also assaulted and their ornaments were also snatched.

Learned counsel for the petitioner no. 2 submits that due to previous enmity, petitioner no. 2 has falsely been implicated in the present case with false allegation. Further submission is that the four injuries, as found on the person of the informant, are simple in nature and petitioner no. 2 has no



criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner no. 2, namely, Raja Mahto, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Vaishali at Hajipur, in connection with Zandaha P.S. Case No. 125 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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