

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8032 of 2021

Arising Out of PS. Case No.-289 Year-2020 Thana- JOGAPATTI District- West Champaran

1. NAWAL MAHTO SON OF LATE BHOLA MAHTO RESIDENT OF VILLAGE-SHIVPATTI, P.S-SANICHARI O.P, DISTRICT-WEST CHAMPARAN
2. RANGILA MAHTO SON OF PRAHLAD MAHTO RESIDENT OF VILLAGE-SHIVPATTI, P.S-SANICHARI O.P, DISTRICT-WEST CHAMPARAN
3. MANOJ MAHTO SON OF MAHARAJ MAHTO RESIDENT OF VILLAGE-SHIVPATTI, P.S-SANICHARI O.P, DISTRICT-WEST CHAMPARAN
4. DINESH MAHTO SON OF LATE BHOLA MAHTO RESIDENT OF VILLAGE-SHIVPATTI, P.S-SANICHARI O.P, DISTRICT-WEST CHAMPARAN
5. ALOK MAHTO SON OF MAHARAJ MAHTO RESIDENT OF VILLAGE-SHIVPATTI, P.S-SANICHARI O.P, DISTRICT-WEST CHAMPARAN
6. SATAN MAHTO, SON OF VISHWAKARMA MAHTO, RESIDENT OF VILLAGE-SHIVPATTI, P.S-SANICHARI O.P, DISTRICT-WEST CHAMPARAN.
7. SANTOSH MAHTO, SON OF BIRA MAHTO, RESIDENT OF VILLAGE-SHIVPATTI, P.S-SANICHARI O.P, DISTRICT-WEST CHAMPARAN

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Jay Ram Prasad, Advocate
For the Informant	:	Mr. Mukesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 27-09-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 22.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.



Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner No.4, namely, Dinesh Mahto as he has already been apprehended by the Police.

In view of the above, the application filed on behalf of the petitioner No.4 **Dinesh Mahto** is dismissed as withdrawn.

The petitioner Nos. 1 to 3 and 5 to 7 apprehend their arrest in connection with Yogapatti (Shanichari) P.S. Case no. 289 of 2020, registered under Sections 147, 148, 149, 341, 342, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

The accusation is that informant Shambhu Prasad Mahto was at his door at about 10.00 A.M. on 07.07.2020, at that time his neighbour Vishwakarma Mahto and Nawal Mahto called him in south of his house at Dalan regarding the case, which is going on, and told that they have purchased the land and asked him to vacate the land. When informant made protest then 15 persons named in the F.I.R. including petitioner Nos. 1 to 3 and petitioner Nos. 5 to 7 and on the order of Vishwakarma Mahto, Rohit gave axe blow at his head causing injury near his



left eye, in the meantime, Yadolal Mahto caused injury through Farsa at his left leg. When Brijesh, nephew of informant, rushed then he was assaulted by Ravi Kumar through axe at the head, Prahlad and Akhilesh caused injury through Lathi. When Manraj, brother of informant, rushed then he was also assaulted by Alok through Garasa. When Prabhawati Devi, sister-in-law of informant, rushed then Rangila Mahto (Petitioner No.2) and Rohit caught hold and Vishwakarma Mahto gave Garasa Blow at her belly. When Parmeshwar Mahto and Shrikant, brother and nephew of the informant, rushed to save then Lalwan Mahto caused injury at the left finger of his brother Parmeshwar Mahto and his nephew Shrikant as a result they sustained injuries. When Ajit Kumar, son of informant, rushed to save then Chhabilal Mahto caused injury at his head.

Learned counsel appearing on behalf of the petitioner Nos. 1 to 3 and 5 to 7 submits that in fact, occurrence of Marpit took place due to land dispute in which petitioners' side also sustained injury regarding which Yogapatti (Shanichari) P.S. Case No. 290 of 2020 was instituted under Sections 147, 149, 341, 323, 307, 379, 504 and 506 on the basis of fardbeyan of co-accused Yadolal Mahto against informant of the present case and others. Moreso, while



petitioner Nos. 1 to 3 and 5 to 7 are named in the F.I.R. but no specific overt act has been attributed against them.

Having regard to the facts and circumstances of the case, let the petitioner Nos. 1 to 3 and 5 to 7, namely, Nawal Mahto, Rangila Mahto, Manoj Mahto, Alok Mahto, Satan Mahto and Santosh Mahto, respectively, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four 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 learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Yogapatti (Shanichari) P.S. Case No. 289 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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