

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33691 of 2021**

Arising Out of PS. Case No.-338 Year-2020 Thana- HUSSAINGANJ District- Siwan

RAKESH MAHTO Son of Ramnath Mahto Resident of Village - Chhapiyan
Bujurg, P.S.- Hussainganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Chandra
For the Opposite Party/s	:	Mr. A. L. Pandit
For the informant	:	Mr. Suresh Mishra

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 22-02-2022 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Hussainganj Police Station Case No. 338 of 2020, registered for the offences punishable under Sections 147/148/341/307/308/379/504/506/302 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the petitioner, along with 19 other accused persons, is said to have assaulted the informant, her relatives and other family members, by means of lathi, danda, spade, iron-rod etc. and there is further allegation that the petitioner ran over the tractor upon the body of the deceased along with the



informant.

Learned Counsel for the petitioner submits that both the parties are co-sharers, there is land dispute between them and the occurrence had taken place for taking possession over a piece of land, on which wheat crop was standing. He further submits that there was free fight between both the families and the side of the petitioner had also sustained injuries, for which they had tried to lodge a case, but the same was not accepted by the police. The complaint/statement of father of the petitioner is annexed as Annexure-2 to this application. He, referring to the post mortem examination report, submits that the stitches and multiple fracture were found on the skull of the deceased and the doctor has opined the cause of death owing to hemorrhage and shock due to above injuries, leading to cardiac respiratory failure. He further submits that no injury was found on the body of the informant and the deceased, which would suggest that a heavy tractor was ran over their bodies. He further submits that the petitioner is in custody since 23.12.2020, having no criminal antecedent and charge sheet has been submitted and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

On the other hand, learned Counsel for the inform



ant and the Additional Public Prosecutor vehemently oppose the prayer for bail and submit that all the accused persons, 19 in number, assaulted the informant and her family members, due to which one of the relatives of the informant, namely, Manan Mahto, succumbed to the injuries in the hospital. Learned Counsel further submits that serious injuries have been found on the body of the deceased and other injured witnesses have also stated that the petitioner was also present at the place of occurrence and was one of the perpetrators of the offence.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration available on record and the fact that both the parties are co-sharers, the allegation against the petitioner is general and omnibus in nature, no apparent injury was found on the body of the deceased and the informant caused by a heavy tractor, charge sheet has been submitted and the petitioner is in custody since 23.12.2020, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned 13th Additional Chief Judicial Magistrate, Siwan, in connection with Hussainganj Police Station Case No. 338 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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