

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9915 of 2021

Arising Out of PS. Case No.-347 Year-2019 Thana- BAJPATTI District- Sitamarhi

1. RAM GULAM MAHTO S/O RAMEKBAL MAHTO R/O VILLAGE-BAJPATTI, AABIDPUR TOLA, P.S-BAJPATTI, DISTRICT-SITAMARHI.
2. VIJAY MAHTO S/O RAMDHARI MAHTO R/O VILLAGE-BAJPATTI, AABIDPUR TOLA, P.S-BAJPATTI, DISTRICT-SITAMARHI.
3. ADHILAL MAHTO @ DHANILAL MAHTO S/O BIKHARI MAHTO R/O VILLAGE-BAJPATTI, AABIDPUR TOLA, P.S-BAJPATTI, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate.

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 12-01-2022 Heard Mr. Vinod, learned Advocate for the petitioners
and learned Additional Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in connection with Bajpatti P. S. Case No. 347 of 2019 instituted for the offences under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

An occurrence is said to have taken place at the time of constructing a fence on a plot of land over which there is a competing claim of the parties. The petitioner no.2 is specifically alleged to have assaulted the informant by means of a farsa on his head.



The learned counsel for the petitioners has submitted that so far as petitioner nos. 1 and 3 are concerned, they have not been attributed with any specific overt act. Petitioner no.2 though is stated to have assaulted the informant on his head by means of a farsa, but the injuries received by him are simple in nature and that also caused by hard and blunt substance.

Apart from this, it has been submitted that there is a civil proceeding pending between the parties.

Regard being had to the background facts and the afore-noted submissions, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-I, Sitamarhi in connection with Bajpatti P.S. Case No. 347 of 2019, subject to the condition as laid down under Section 438 (2) Cr. P.C.

While saying so the court has also taken note of the fact that the petitioners do not have criminal antecedents.

The application stands allowed.

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(Ashutosh Kumar, J)

