

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1274 of 2022

Arising Out of PS. Case No.-186 Year-2021 Thana- ADAPUR District- East Champaran

1. PARMA MAHTO SON OF LATE SITARAM MAHTO R/O VILLAGE-MAJHARIYA, P.S.- ADAPUR, DIST.- EAST CHAMPARAN, MOTIHARI
2. BRIJ BIHARI MAHTO SON OF PRAMA MAHATO R/O VILLAGE-MAJHARIYA, P.S.- ADAPUR, DIST.- EAST CHAMPARAN, MOTIHARI
3. SHYAM SUNDAR MAHTO SON OF PRAMA MAHTO R/O VILLAGE-MAJHARIYA, P.S.- ADAPUR, DIST.- EAST CHAMPARAN, MOTIHARI
4. RAM SUNDAR MAHTO SON OF PRAMA MAHTO R/O VILLAGE-MAJHARIYA, P.S.- ADAPUR, DIST.- EAST CHAMPARAN, MOTIHARI
5. SHYAM BIHARI MAHTO SON OF PARMA MAHTO R/O VILLAGE-MAJHARIYA, P.S.- ADAPUR, DIST.- EAST CHAMPARAN, MOTIHARI
6. RAM NIWAS SAH SON OF LATE VISHWANATH SAH R/O VILLAGE-MAJHARIYA, P.S.- ADAPUR, DIST.- EAST CHAMPARAN, MOTIHARI
7. MUNI SAH @ SHYAM SUNDAR PRASAD SON OF SAJAWAL SAH R/O VILLAGE- MAJHARIYA, P.S.- ADAPUR, DIST.- EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners, at the outset,
seeks permission to withdraw the present anticipatory bail
application with respect to petitioner nos. 2 and 5 who have
been arrested during pendency of the present anticipatory bail
application.



Permission is accorded

The petitioner nos. 1, 3, 4 and 6 apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 427, 354, 354(B), 324, 307, 376, 511 and 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 06.07.2021 at 8:00 AM, eight accused persons, including the petitioners, came to the house of the informant variously armed and petitioner no.1 started destroying the hut of the informant, therefore Brij Bihari Mahto assaulted the informant's daughter-in-law, who was eight months pregnant, and dashed her on the ground due to which she started bleeding, petitioner no. 3 assaulted the informant's other daughter-in-law and disrobed her and he was supported by petitioner no.6 in this act. It is further alleged that son of the informant was assaulted on his legs by Shyam Bihari Mahto causing injury, Rama Thakur and petitioner no.1 assaulted the informant's husband with *farsa* causing injury on the head and the accused persons even took away Rs. 1,80,000 from a box and snatched gold earrings of informant's daughter-in-law along with mobile etc as detailed in the F.I.R.



Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that opinion with regard to injury of the informant's husband has been reserved who is alleged to have been assaulted by petitioner no.1 and Rama Thakur, it is next submitted that the injuries caused to the other injured by the present petitioners are simple in nature and the occurrence took place on account of a land dispute and there is also a case and counter case between the parties.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that as far as petitioner no.1 is concerned, he is alleged to have assaulted the husband of the informant and opinion with regard to his injury has been reserved which amply demonstrates that injury was not simple.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 3, 4 and 6, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/successor court in connection with Adapur P.S. Case No. 186 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

As far as prayer for anticipatory bail of the petitioner no.1 is concerned, the Court is not inclined to grant privilege of anticipatory bail to him.

His prayer for anticipatory bail is thus rejected.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

