

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5509 of 2023

Arising Out of PS. Case No.-182 Year-2020 Thana- LAKHNAUR District- Madhubani

1. Manoj Kumar Mahto @ Manoj Mahto, aged about 35 years, Gender – Male, Son of Mohan Mahto R/V- Pathrahi, P.S- Lakhnour, Dist- Madhubani
2. Mohan Mahto, aged about 55 years, Gender – Male, Son of Shree Mahto R/V- Pathrahi, P.S- Lakhnour, Dist- Madhubani
3. Jeevachhi Devi @ Jivachhi Devi, aged about 34 years, Gender – Female, Wife of Manoj Kumar Mahto @ Manoj Mahto R/V- Pathrahi, P.S- Lakhnour, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and learned
APP for the State of Bihar.

The petitioners are apprehending their arrest in connection with Lakhnour (R.S.O.P.) P.S. Case No. 182 of 2020 under Sections 341, 323, 308, 504, 506, 427 and 34 of Indian Penal Code.

While the room was being swept by the informant's wife, it is alleged that some dirt fell in the Tea being prepared by petitioner No. 3, namely *Jeevachhi Devi*, whereafter, her husband (petitioner No. 1), namely *Manoj Kumar Mahto*, and father (petitioner No. 2), namely *Mohan Mahto*, have



assaulted the informant's wife as well as informant.

It is submitted by the learned counsel for the petitioners that petitioner Nos. 1, 2 and 3 are brother, father and sister-in-law (*Bhabhi*) of the informant, respectively. The FIR manifests a trivial dispute within the house where all the family members were residing. Being infuriated over a minor issue, a scuffle has taken place, in which the informant's wife has sustained very simply injury, which is evident from the injury report (*Annexure – 2*). Petitioners have no antecedent.

Learned APP for the State opposed the prayer for bail.

Considering the rival submissions, fact that parties are family members and there is simple and minor injury being sustained in course of altercation between the family members within their house, this Court inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Jhanjharpur, District-Madhubani, in connection with Lakhnour (R.S.O.P.) P.S. Case No. 182 of 2020,



subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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