

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11066 of 2023

Arising Out of PS. Case No.-458 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

-
1. Baijnath Mahto Son Of Late Ram Sewak Mahto R/O Village- Dadhiya Belar, P.S.- Muffasil, District- Samastipur
 2. Sunil Kumar Mahto @ Sunil Mahto Son Of Baijnath Mahto R/O Village- Dadhiya Belar, P.S.- Muffasil, District- Samastipur
 3. Ajay Kumar Mahto @ Ajay Mahto Son Of Baijnath Mahto R/O Village- Dadhiya Belar, P.S.- Muffasil, District- Samastipur
 4. Vijay Kumar Mahto @ Vijay Mahto Son Of Late Dashae Mahto R/O Village- Dadhiya Belar, P.S.- Muffasil, District- Samastipur
 5. Sanjay Kumar Mahto @ Sanjay Kumar Son Of Baijnath Mahto R/O Village- Dadhiya Belar, P.S.- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 307, 147, 148, 149, 341, 323, 324, 379, 504 and 506 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, ten unknown persons were cutting the green tree of mango of his share, when informant objected, then on the instigation of petitioner no.1, his son petitioner no.3 having arm with farsa assaulted on the head



of the informant and again tried to gave farsa blow on head which hit his left hand. When his family members came to save him all the petitioners assaulted him.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is case and counter case between the parties and both sides have sustained injuries. He submits that there is no specific overt act against all the petitioners except petitioner no.3. He fairly submits that there is specific allegation against the petitioner no.3 to assault the informant and injuries were found grievous in nature. He further submits that petitioners have got two criminal antecedents as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the facts and circumstances of the case and the fact that the injury found upon the victim is grievous in nature, I am not inclined to enlarge the petitioner no.3 on bail in connection with Samastipur (Muffasil) P.S. Case No. 458/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

Insofar as the rest of the petitioners is concerned the injuries found upon the victims are simple in nature which is also clear from the injury report which is enclosed in Annexure-



II of the bail application, let the petitioners no.1, 2, 4 & 5, named above, in the event of their arrest/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.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Samastipur (Muffasil) P.S. Case No.458/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

ajay/-

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

