

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21007 of 2023

Arising Out of PS. Case No.-106 Year-2021 Thana- LAURIA District- West Champaran

1. RAJESHWAR MAHTO SON OF LATE CHANDAN MAHTO @ LATE CHADER MAHTO RESIDENT OF VILLAGE- MISHRA TOLA, LAURIYA, PS- LAURIYA, DISTT- WEST CHAMPARAN
2. JAYSINGH KUSHWAHA @ JAISHREE MAHTO @ JAY SINGH MAHTO @ JAY SINGH KUSHWAHA SON OF LATE CHADER MAHTO RESIDENT OF VILLAGE- MISHRA TOLA, LAURIYA, PS- LAURIYA, DISTT- WEST CHAMPARAN
3. VIJAY MAHTO @ VIJAY KUSHWAHA SON OF LATE RADHE MAHTO RESIDENT OF VILLAGE- MISHRA TOLA, LAURIYA, PS- LAURIYA, DISTT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-06-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Lauriya Police Station Case No. 106 of 2021, dated
13.05.2021, disclosing offences under Sections
341/323/324/325/307/379/504/34 of the Indian Penal Code.

The prosecution case, on the basis of the First
Information Report, is that the informant arrived at his land for
filling soil, in the meanwhile, the petitioner and other accused
persons arrived there and obstructed the informant from filling



soil in the land and when objection being made, the petitioner no. 3 assaulted the informant by means of rod on the head of the informant and petitioner nos. 1 and 2 assaulted the brother of the informant by means of iron rod.

Learned Counsel for the petitioners submits that both the parties are agnate and co-sharer and there is a land dispute between them. He further submits that counter case has also been lodged by the side of the petitioner, namely, Binod Mahato bearing Lauriya Police Station Case No. 99 of 2021 against the informant and other family members for an occurrence which had taken place on the same date. He further submits that injury report of the victim annexed at Annexure-3 would show that he has sustained simple injury. The other victims have also sustained simply injuries as would be evident from Annexure-4. Learned counsel next submits that the side of the petitioners have also received injury which would be evident from Annexure-5 series.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are agnate and there is land dispute between them, the counter case has also been lodged by the side of the petitioners, both the parties have received injuries and the



injuries caused to the victims are simple in nature, accordingly, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, West Champaran, Bettiah, in connection with Lauriya Police Station Case No. 106 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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