

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31964 of 2023

Arising Out of PS. Case No.-176 Year-2022 Thana- KALYANPUR District- East Champaran

1. Rajesh Kumar @ Rajesh Mahto, son of Managrt Mahto Village- Pakri Disshit, PS- Kalyanpur, Dist- E. Champaran
2. Ramesh Kumar son of Manager Mahto Village- Pakri Disshit, PS- Kalyanpur, Dist- E. Champaran
3. Rupesh Kumar son of Manager Mahto Village- Pakri Disshit, PS- Kalyanpur, Dist- E. Champaran
4. Manager Mahto son of Late Durga Mahto Village- Pakri Disshit, PS- Kalyanpur, Dist- E. Champaran
5. Ranju Devi wife of Rajesh Mahto Village- Pakri Disshit, PS- Kalyanpur, Dist- E. Champaran
6. Kalashi Devi wife of Manager Mahto Village- Pakri Disshit, PS- Kalyanpur, Dist- E. Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tandon, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2023 Heard Mr. Dilip Kumar Tandon, learned counsel

appearing on behalf of the petitioners and the learned APP for

the State.

2. The petitioners are apprehending their arrest in
connection with Kalyanpur P.S. Case No. 176 of 2022 registered
for the offence punishable under Sections 341, 323, 324, 379,
504, 506, 354(B)/34 of the Indian Penal Code.

3. Allegedly, while the informant went to pacify the
dispute, in the meantime, all the petitioners and other



surrounded the informant and the petitioner no. 1 assaulted him by means of *farsa* over his head, causing serious injuries. It is further alleged that petitioner no. 2 also assaulted the wife of the informant by means of fist and slap and tried to outrage her modesty. It is next submitted that petitioner no. 1 and petitioner no. 3 snatched the valuables.

4. Learned counsel appearing on behalf of the petitioners submits that in fact no such occurrence has taken place and only on account of some trifling reason, a free fight has taken place, resulting into some injuries to the informant. He further submits that save and except petitioner no. 1, there is ominous allegation against rest of the petitioners and, moreover, the injuries which have been sustained to the informant are mainly lacerated wounds and does not appear to be grievous in nature. He next submitted that all the petitioners are though accused in one more case, but they all are on bail.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application.

6. Having heard the submissions made on behalf of the parties and considering the nature of allegation and the injuries, let the above named petitioner nos. 2 to 6, be released on bail, in the event of their arrest or surrender before the



learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 176 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that one of the bailors shall be the own/close family members of the petitioners.

7. So far the petitioner no. 1 (Rajesh Kumar @ Rajesh Mahto) is concerned, his prayer for grant of pre-arrest bail stands rejected. However, he is directed to surrender before the Court below within a period of four weeks, from today. In case, the petitioner would surrender before the Court below and pray for regular bail, his prayer for bail would be considered expeditiously taking into consideration the nature of injuries which are found to be lacerated.

(Harish Kumar, J)

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