

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47140 of 2023

Arising Out of PS. Case No.-215 Year-2023 Thana- ROSERA District- Samastipur

1. SHOBHA KANT MAHTO SON OF LATE RAM AVTAR MAHTO
RESIDENT OF VILLAGE- HARIPUR, P.S.- ROSERA, DISTRICT-
SAMASTIPUR
2. MITHILESH KUMAR @ MITHILESH MAHTO SON OF SHOBHA
KANT MAHTO RESIDENT OF VILLAGE- HARIPUR, P.S.- ROSERA,
DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar Singh, Advocate.
For the Opposite Party/s : Mr.Renu Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Mr. Mritunjay Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. x, learned APP for

the State.

2. The petitioners seek pre-arrest bail in connection
with Rosera P.S. Case No. 215 of 2023 registered for the offence
punishable under Sections 341, 323, 307, 504, 354B, 504 and
506/34 of the Indian Penal Code.

3. F.I.R. has been lodged by the informant alleging
that the petitioners have restrained from uprooting potato and
they started abusing him and on the order of the petitioner
Shobha Kant Mahto, co-accused Suraj Mahto and petitioner
Mithlesh Mahto assaulted with iron rod on the head of the



informant. The informant sustained injury in the said course. His wife was also assaulted by the co-accused Saroj and petitioner Mithilesh by means of iron rod causing head injury. Allegation against them is that they also assaulted the daughter of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they are own family members. Petitioner no.1 is father of the informant and petitioner no.2 is own brother of the informant. The dispute has arisen due to partition of land and in said course both the parties assaulted each other. The injury sustained by the informant is simple in nature. Both the petitioners have clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the nature of allegation made in the F.I.R. as well as the fact that both the parties for getting their land partitioned have indulged in fierce fight in which both the sides have sustained injury although no F.I.R. was lodged by the petitioners' side, petitioner no.1 who is aged about 70 years is the father of the informant and petitioner no.2 is the own brother of the informant and the dispute between the parties relates to



partition of land which can be resolved amicably between the parties, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Rosera in connection with Rosera P.S. Case No. 215 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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