

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51274 of 2023

Arising Out of PS. Case No.-105 Year-2022 Thana- BISHUNPUR District- Darbhanga

1. SURESH MAHTO SON OF KISUN MAHTO VILLAGE DILAH I PS
BISANPUR DISTRICT DARBHANGA
2. GANAUR MAHTO SON OF LATE PURAN MAHTO VILLAGE DILAH I
PS BISANPUR DISTRICT DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-08-2023 1. Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Bishanpur Police Station Case No. 105 of 2022, dated
01.09.2022, disclosing offences punishable under
Sections 147/148/149/341/323/324/325/354/354-B/380/
448/427 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report,
is that the petitioner no. 2 was forcibly constructing
boundary wall as well as septic tank on the land of the
grand mother of the informant and when they objected,
the accused persons assaulted the grandmother of the



informant and her son, Shmbhu Mahto and when the informant intervened, the petitioner no. 1 assaulted him by means of dabia on his head and other accused persons assaulted the informant, his wife and brother.

4. Learned Counsel for the petitioners submits that both the parties are agnates and there is admitted land dispute between them. He further submits that there is case and counter case between the parties inasmuch as Bishanpur Police Station Case No. 106 of 2022 has been lodged by the side of the petitioners against the informant and others. He further submits that the injury caused to the informant on his head is not grievous and the grievous injury, which has been found, is due to the fracture of the thumb of the informant. He further submits that there is no allegation of assault upon petitioner no. 2.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are agnates, there is land dispute between them, there is case and counter case between the parties, the head injury caused to the informant by petitioner no. 1 is not grievous in nature and there is no specific allegation against the petitioner no. 2, I am inclined to grant the



petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.
7. 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) eachwith two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga, in connection with Bishanpur Police Station Case No. 105 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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