

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53266 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- DUMRA District- Sitamarhi

1. Shrawan Mahto Son Of Dhruv Narayan Mahto R/O Village- Kethariya, P.S.- Dumra, District- Sitamarhi
2. Dhruv Narayan Mahto Son Of Late Sonelal Mahto R/O Village- Kethariya, P.S.- Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Dumra P.S. Case No. 149 of 2021 registered for the offences punishable under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code.

As per the prosecution, informant's husband was assaulted by the petitioners and one other co-accused person by

means of Knife, lathi, danda and iron rod, owing to which her husband got several injuries on his body. Further it is alleged that on hearing halla (noise), family members of the informant came to rescue, who were also assaulted by these accused persons.

The main submissions advanced by learned counsel Mr. Ravi Ranjan appearing for the petitioners are that the FIR of the present matter was lodged after inordinate delay of three days which has not been explained by the prosecution, the specific allegation of causing stab injury to the informant's husband is against co-accused Ganesh Mahto and the petitioners and other co-accused person were alleged to have assaulted three injured persons namely Bibha Devi, Sushila Kumari and Jeera Devi, among whom Bibha Devi and Sushila Kumari sustained simple injuries and the injured Jeera Devi sustained one sharp cut injury which was opined to be grievous in nature but the same was attributed against the co-accused Ganesh Mahto as according to the allegation he was carrying knife at the time of alleged occurrence and the petitioners and other named co-accused person were alleged to have used knife, lathi, danda and iron rod in assaulting the prosecution party. Further submission is that the petitioners have been languishing in jail

since 07.04.2022 and they have fair and clean antecedent. Further submission is that the petitioners preferred anticipatory bail prayer by filing Cr. Misc. No. 40155/2021 that was withdrawn by the petitioners and this Court passed some observation to the Court below but despite that, the prayer of the petitioners for regular bail was rejected by the Court below.

Learned APP Mr. Shailendra Kumar Singh appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly taking into account the petitioners' clean antecedent mentioned in their petition and their custody period and the nature of allegation appearing against them from the FIR, this Court is inclined to enlarge the petitioners on bail. Accordingly, let the petitioners named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Dumra P.S. Case No. 149 of 2021.

(Shailendra Singh, J)

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