

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60104 of 2023

Arising Out of PS. Case No.-108 Year-2022 Thana- TETERHAT District- Lakhisarai

1. Ravi Mahto, S/o Late Baldeo Mahto
2. Jitendra Mahto, S/o Late Baldeo Mahto
3. Dhiraj Kumar @ Dhiraj Mahto, S/o Anandi Mahto
All are R/o Village- Gunsagar, P.S.- Tetarhat, Dist.- Lakhisarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The accused/petitioners seek bail in
connection with Tetarhat P.S. Case No.108 of 2022 registered
for the offences punishable under Sections 341, 323, 324, 307,
504 and 506 read with 34 of the Indian Penal Code.

3. The accused/petitioners are named in the FIR
and are in custody since 14.06.2023.

4. Allegations against the petitioners are to
assault the informant and others by using *lathi*, rod, *khanti*, etc.
causing head and bodily injuries, having intention to cause their
death, where occurrence said to be arises out of land dispute.

5. It is submitted by learned counsel that the



allegations as regard to physical assault is appearing very much general and omnibus, where occurrence is arises out of land dispute. It is pointed out that out of land dispute, petitioners and their family members falsely implicated with present case, where the nature of injuries as alleged to be caused by petitioners are found simple on medical examination, negated intention of petitioners to cause death of informant and others, which is a prime consideration to attract a case under Section 307 of the Indian Penal Code. It is further submitted that the maximum of injuries are appearing on non-vital part of the body. While concluding argument, it is submitted that the petitioners are men of clean antecedent and moreover investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioners.

7. In view of above-mentioned facts and circumstances and by taking note of fact as injuries as alleged to be caused by petitioners are simple in nature, negated intention of petitioners to cause death of informant and others, coupled with the fact that charge-sheet has already submitted, where



petitioners are in custody since 14.06.2023, accordingly, the petitioners, above-named, are directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Tetarhat P.S. Case No.108 of 2022 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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