

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56460 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- MEHANDIA District- Jehanabad

1. Jaiprakash Mahto S/O Late Jagarnath Mahto R/O Village- Baldad, P.S.- Mehandia, Distt.- Arwal.
2. Jaynath Mahto S/O Dhorha Mahto R/O Village- Baldad, P.S.- Mehandia, Distt.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-11-2023 Heard Mr. Rewti Kant Raman, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mehendia P.S. Case No. 52 of 2023, registered for the offences punishable under Sections 341, 323, 354, 308, 379 and 504/34 of the Indian Penal Code.

3. Allegedly, while the informant was engaged in constructing wall over his land, in the meantime, the petitioners and others variously armed with *lathi* and *danda* came there and started abusing. On protest being made, all the accused persons assaulted the informant and others. It is specifically alleged that



the petitioner no. 1 assaulted the husband of the informant and when the son of the informant tried to save him, he was also assaulted by both the petitioners due to which he sustained serious injury. There is allegation of snatching of valuables also.

4. Learned counsel appearing on behalf of the petitioners submits that admittedly there is a land dispute and on account of which a scuffle has taken place between the persons of both the sides, resulting into some injuries to persons of both the side. Furthermore, the present case is nothing but a counter blast of Mehendia P.S. Case No. 48 of 2023 instituted by petitioner no. 1 against the informant and others. Further submission has been made that the false implication of the petitioners cannot be ruled out as the occurrence took place on 21.02.2023 and this FIR has been instituted on 23.02.2023, only after institution of the FIR by the petitioner no. 1. So far the injury sustained to the son of the informant is concerned, the same is found to be simple in nature, moreover, the petitioners are men of fair antecedent and they undertake that they will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that specific



allegation has been levelled against both the petitioners that they assaulted the husband and son of the informant, which fact has also been supported by the witnesses during the course of investigation, however, he does not controvert the fact that the nature of injury is simple.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case and the admitted land dispute between the parties, coupled with the fair antecedent and the nature of injury, which is shown to be simple, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Arwal in connection with Mehendia P.S. Case No. 52 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

