

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64496 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- GAUNAHA District- West Champaran

1. Ratnesh Kumar Son Of Sri Shambhu Mahto Resident Of Village - Pachrukhiya, P.S. - Gaunaha, District - West Champaran
2. Mukesh Kumar Son Of Late Vyas Mahto Resident Of Village - Pachrukhiya, P.S. - Gaunaha, District - West Champaran
3. Upendra Kumar Son Of Sri Nandlal Mahto Resident Of Village - Pachrukhiya, P.S. - Gaunaha, District - West Champaran
4. Lalan Kumar Son Of Sri Laxman Mahto Resident Of Village - Pachrukhiya, P.S. - Gaunaha, District - West Champaran
5. Shambhu Mahto Son Of Late Chauki Mahto Resident Of Village - Pachrukhiya, P.S. - Gaunaha, District - West Champaran

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sagar Kumar, Advocate
For the Opposite Party : Mr. Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Gaunaha P.S. Case No. 108 of 2023 dated 11.06.2023, instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354-B and 436 of the Indian Penal Code.

3. The case of prosecution, in short, is that on 11.06.2023, at about 05:00 A.M., when the informant was feeding his cattle, all the accused persons came there and



petitioner No. 1, namely, Ratnesh Kumar set on fire the thatched hut of the informant. When the informant tried to extinguish the fire, the petitioner Nos. 1 and 2 with intention to kill the informant inflicted *farsa* on his head due to which he became injured and fell unconsciously. It is further alleged that when the younger brother of informant came to save him then petitioner Nos. 3 and 4 assaulted him with *lathi*, which caused head injury to him. It is further alleged that petitioner Nos. 1 and 4 also assaulted the wife of the informant with fist and slapped her as also tore her blouse with bad intention.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that the petitioners are victims of false implications in this case, which is a counter blast to Gaunaha P.S. F.I.R. No. 109 of 2023, registered under Sections 147, 148, 149, 341, 342, 323, 324, 325 and 504 of the Indian Penal Code, which has been lodged by Laxman Mahto, father of the petitioner No. 4, brother of petitioner Nos. 5 and 6 against the informant and others. It is further submitted that there is civil dispute between the parties and a Title Suit bearing Title Suit No. 05 of 2020 has been filed by Laxman Mahto, Sambhu Mahto and Nandlal Mahto against the informant and others



which is pending for adjudication. Further, it is submitted that the injury mentioned in the Annexure-3 and 3/1 shows that the nature of injury is simple in nature, caused by hard and blunt substance as well as sharp cutting object. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Gaunaha P.S. Case No. 108 of 2023, they shall be released on anticipatory bail 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-II, Bettiah, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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