

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76567 of 2023

Arising Out of PS. Case No.-585 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Bhuneshwar Mahto S/O Ram Ayodhya Mahato @ Yodha Mahto Village-
Semra Belwatiya, Ps. Turkaulia, Dist. East Champaran
 2. Sunil Kumar @ Sunil Mahto S/O Devlal Mahto Village- Semra Belwatiya,
Ps. Turkaulia, Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1, Adv

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Turkaulia P.S. Case No. 585 of 2023, dated 21-05-2023,
instituted for the offence punishable under Sections 147,148,
149, 447,341, 323, 324,308, 379, 504 and 506 of the Indian
Penal Code.

3. In the background of a dispute over a village road, the
petitioners and other co-accused persons abused and assaulted
the informant with deadly weapons. It is alleged that on the
direction of Bhuneshwar Mahto (petitioner No.1) co-accused
viz., Devlal Mahto inflicted *farsa* blow on the head of the



informant. Allegation against the petitioner No.2 is that he assaulted the informant by means of iron rod. It is also alleged that when the informant's family tried to save him, the accused persons also assaulted them and committed looting in the house of the informant. Hence the FIR.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Role of order giver has been assigned to the petitioner No.1. Petitioner No.2 assaulted the informant by means of iron rod. The petitioners have no criminal antecedents as per disclosure made in para 3 of the bail petition. Both sides are co-villagers. There is admitted civil disputes between the parties

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners by submitting that specific allegation of assault is attributed against petitioner no.2 on account of such assault on the person of the informant, there is fracture of the frontal bone of skull, which gets corroboration from the injury report (Annexure-3) and they do not deserve the privilege of anticipatory bail.

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 petitioner No.1, viz.,



Bhuneshwar Mahto, within a period of six weeks from today, in connection with Turkaulia PS Cs No. 585 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class at Motihari East Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. So far as prayer for anticipatory of the petitioner No.2, viz., Sunil Kumar @ Sunil Mahto is concerned, there is specific allegation of assault against him and the injury being grievous in nature, I am of the view that no case for grant of anticipatory bail is made out.

8. Prayer for pre -arrest bail on behalf of petitioner No.2 is rejected .

(Khatim Reza, J)

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