

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6877 of 2024

Arising Out of PS. Case No.-159 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Sikandar Mahto, S/o Dashrath Mahto,
 2. Munna Kumar @ Munna Mahto @ Godhan Mahto, S/o Dashrath Mahto
 3. Haresh Mahto, S/o Dashrath Mahto,
 4. Ramesh Mahto S/o Ramsunder Mahto,
 5. Ardeep Kumar @ Ardeep Mahto S/o Late Ramsunder Mahto,
 6. Bihari Kumar @ Bihari Mahto, S/o Late Ramsunder Mahto,
 7. Arun Kumar @ Arun Mahto, S/o Avdesh Mehto,
 8. Raushan Kumar, S/o Shyam Sunder Mahto,
 9. Ramawati Devi, W/o Avdesh Mehto,
 10. Girja Devi, S/o Shyam Sunder Mahto
 11. Parwati Devi, W/o Sikander Mahto,
 12. Bigni Devi, W/o Late Ram Sunder Mahto
- All are residents of village- Bishunpura @ Vishnpura, P.S.- Chapra Mufassil,
District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending
their arrest in connection with Chapra Mufassil P.S. Case No.
159 of 2023, registered for the alleged offences under Sections
341, 323, 324, 325, 307/34 of the Indian Penal Code.



3. As per prosecution case, the petitioners and other co-accused persons, in the background of land dispute, making an unlawful assembly, entered into the house of the informant. The petitioners were armed with sharp weapon and they assaulted the family members of the petitioners causing injuries to them.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The prosecution party brutally assaulted the female members and others of the family of the petitioners for which the petitioner no.12 filed a case against the present informant and his family members vide Chapra Mufassil P.S. Case No.158/2023 under Sections 341/323/324/307/34 of the Indian Penal Code. The case filed by the petitioner no.12 is earlier in point of time and the real version of the occurrence. In order to save their skin from the case filed by the petitioner no.12, the present case has been filed as a counterblast. The FIR has been lodged after delay of two days for which there is no explanation. The learned counsel further submits that there is no specific allegation against any of the petitioners and the allegations are general, omnibus and vague. It is not believable that 12 persons, who have been made accused in this case, assaulted and only



four persons are said to have received injury. In fact, the informant and his family members are aggressors and they implicated the petitioners in this case to conceal their own wrong doing. The learned counsel further submits that none of the injuries are on any vital part or injuries are not serious. There could be no application of Section 307 IPC as is apparent from the FIR since there was no intention to cause death of any person. The petitioner nos. 4 to 12 are having clean antecedent, whereas, the petitioner nos. 1 to 3 have been made accused in Chapra Mufassil P.S. Case No. 660/2022, which was lodged by the present prosecuting party, in which they are on bail. The petitioner no.2 has also been made accused in Chapra Mufassil P.S. Case No. 26/2013 in which he is on bail.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the delay in lodging the FIR and absence of specific allegation against the petitioners as well as land dispute between the parties and further considering the non-serious nature of injuries and also considering the possibility of false accusation, let the petitioners, above named, in the event of their arrest or



surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Chapra Mufassil P.S. Case No. 159 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

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

(Arun Kumar Jha, J)

