

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9306 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- BIBHUTIPUR District- Samastipur

1. Shankar Mahto Son of Devan Mahto Resident of Vill.-Ekdara, P.S.-Bibhutipur, Distt.-Samastipur
2. Arun Kumar Son of Jaynarayan Mahto Resident of Vill.-Ekdara, P.S.-Bibhutipur, Distt.-Samastipur
3. Vikash Kumar Son of Jaynarayan Mahto Resident of Vill.-Ekdara, P.S.-Bibhutipur, Distt.-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Bibhutipur P.S. Case No. 235 of 2023 instituted under Sections 147, 148, 149, 341, 323, 325, 307, 379, 427, 447, 448, 504, 506 of the Indian Penal Code lodged on 3.7.2023 by the informant, Chandradev Mahto.

3. As per the prosecution story, the informant has alleged that while he was cooking, the accused persons including these three petitioners entered and after abusing, it is alleged that the petitioner no.3 Vikash Kumar gave iron rod blow causing head injury on his head. Further, the petitioner



no.2, gave lathi blow on his hand causing fracture while Shankar Mahto, petitioner no.1 looted the ornaments and money. The further allegation is against Dilkush Kumar and Girish Devi of assaulting Chandra Kala Devi. Allegation against Arun Kumar is also of breaking the wall.

4. Learned counsel for the petitioner submits that there is case and counter case, the matter relates to land dispute and an exaggerated FIR has been lodged.

5. Learned APP has pointed out that earlier case diary was called for and injury report clearly shows that there is fracture of distal shaft of ulna.

6. This Court has also gone through the injury report and finds that though there is fracture of distal shaft of ulna and the allegation is attributed to Arun Kumar, so far as the allegation of assault on the head by Vikash Kumar is concerned, there is no injury on the scalp. Again, so far as the role of Shankar Mahto is concerned, allegation is of looting the ornaments and money. In that backdrop, so far as the anticipatory bail of petitioner no.2, Arun Kumar is concerned, the same is rejected.

7. Regarding petitioner no.3 and petitioner no.1 namely Vikash Kumar and Shankar Mahto, in view of the fact



that no injury has been found on the scalp and further against Shankar Mahto there is no role of assault, this Court deems it fit and proper to extend them privilege of anticipatory bail.

8. Let the petitioner no.1, Shankar Mahto and petitioner no.3, Vikash Kumar be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Bibhutipur P.S. Case No. 235 of 2023 to the satisfaction of learned S.D.J.M., Rosera, Samastipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the no.1, Shankar Mahto and petitioner no.3, Vikash Kumar who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1, Shankar Mahto and petitioner no.3, Vikash Kumar shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no.1, Shankar Mahto and petitioner no.3, Vikash Kumar shall co-operate in the investigation and



make themselves available to the police as and when required;

(iv) the petitioner no.1, Shankar Mahto and petitioner no.3, Vikash Kumar shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioner no.1, Shankar Mahto and petitioner no.3, Vikash Kumar shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner no.1, Shankar Mahto and petitioner no.3, Vikash Kumar shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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