

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13319 of 2024

Arising Out of PS. Case No.-202 Year-2023 Thana- DALSINGHSARAI District- Samastipur

1. Saket Kumar @ Saket Mahto Son of late Jawahar Lal Mahto Resident of Vill.-Khoksha, P.S.-Dalsinghsarai, Distt.-Samastipur
2. Vipin Mahto @ Vipin Kumar Son of Revti Mahto @ Rebati Mahto Resident of Vill.-Khoksha, P.S.-Dalsinghsarai, Distt.-Samastipur
3. Kundan Kumar @ Kundan Mahto Son of Revti Mahto @ Rebati Mahto Resident of Vill.-Khoksha, P.S.-Dalsinghsarai, Distt.-Samastipur
4. Revti Mahto @ Rebati Mahto Son of late Dhina Mahto Resident of Vill.-Khoksha, P.S.-Dalsinghsarai, Distt.-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Sinha, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-05-2024 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 Dalsinghsarai P.S. Case No. 202 of 2023, registered on 01.05.2023 for the offences under Sections 143, 323, 341, 354B, 307, 325, 379, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons, who were armed with lathi, danda, spear, javelin, spade, iron rod etc., assaulted the informant and



her husband causing injuries to them. They also snatched earring of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The present case is counter blast of Dalsinghsarai P.S. Case No. 199 of 2023 lodged on 28.04.2023 against the informant and others by petitioner no. 1. To save their skin, the informant side has lodged the present case and it is very much clear from the date of lodging of the FIR as for the occurrence of 28.04.2023 the FIR was lodged on 01.05.2023 without any satisfactory explanation. Learned counsel further submits that both the parties are agnates and admittedly there is land dispute between them. The injury reports show simple injuries caused by hard and blunt object which falsifies the prosecution case for use of spear, javelin, spade etc. which are sharp and pointed edge weapons. The petitioners have got no criminal antecedent.

5. Learned APP 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 background of land dispute and the case and counter case between the parties and possibility of false implication, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Dalsinghsarai, Samastipur/concerned court in connection with Dalsinghsarai P.S. Case No. 202 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other 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.

(Arun Kumar Jha, J)

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