

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11363 of 2024

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

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1. Anil Kumar @ Anil Mahto S/O Devlal Mahto R/O Village- Semra Belwatiya, P.S- Turkauliya, Distt.-EAST Champaran
 2. Shiv Kumar S/O Bhuneshwar Mahto R/O Village- Semra Belwatiya, P.S- Turkauliya, Distt.-EAST Champaran
 3. Devlal Mahto S/O Late Bhuteli Mahto R/O Village- Semra Belwatiya, P.S- Turkauliya, Distt.-EAST Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Jha, Advocate
		Mr. Rakesh Kumar No. 1, Advocate
For the State	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 26-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Turkauliya P.S. Case No. 585 of 2023 dated 12.07.2023,
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. The prosecution case, in short, is that 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 also alleged that when the informant's



family tried to save him, the accused persons also assaulted them and committed *loot-pat* in the house of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that Anil Kumar @ Anil Mahto (petitioner no. 1) assaulted with *garasa* on the head of nephew of the informant. Shiv Kumar (petitioner no. 2) is alleged to have assaulted with knife on the upper part of right eye of the informant. So far Devlal Mahto (petitioner no. 3) is concerned, he assaulted with *farsa* blow on the head of the informant. The doctor opined that all the injury sustained by injured persons is caused by hard and blunt substance and nature of injury is simple in nature except injury no. (iii) & (iv) is grievous in nature (injury report of Ramashish Mahto). There is case and counter case between the parties. It is submitted that in the same occurrence, mother of petitioner no. 2 filed a complaint case *vide* Complaint Case No. 1486 of 2023, later on converted into F.I.R. *vide* Turkauliya P.S. Case No. 785 of 2023. Both the parties are agnates. It is also submitted that the present F.I.R. has been lodged after two days of the occurrence and there is no any plausible explanation for the delay. There is civil dispute between the parties. Lastly, it has been submitted that they have



no criminal antecedent.

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 in connection with Turkauliya P.S. Case No. 585 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 C.J.M., Motihari, East Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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