

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29416 of 2024**

Arising Out of PS. Case No.-124 Year-2022 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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1. Sunil Kumar S/O Ram Ratan Mahto Resident of Village- Korbaddha, P.S-  
Samastipur Muffasil, District- Samastipur
  2. Ram Ratan Mahto S/O Late Rameshwar Mahto Resident of Village-  
Korbaddha, P.S- Samastipur Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**

ORAL ORDER

2      15-05-2024                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with  
Samastipur Muffasil P.S. Case No. 124 of 2022 dated  
12.03.2022, instituted for the offence punishable under Sections  
323, 324, 307, 325, 354, 341, 447, 504, 379 of the Indian Penal  
Code.

3. The allegation against the petitioner no. 1 is of  
assaulting the informant and his son with iron rod on their leg  
and head respectively and the allegation against petitioner no. 2  
is that he was an order giver on whose instructions the accused  
have assaulted the informant and his family members.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioners are next door neighbours and there is a previous enmity between both the parties. It is also submitted that there is a case and counter case between the parties *vide* Samastipur Muffasil P.S. Case No. 123 of 2022 lodged by Anil Kumar, who is brother of petitioner no. 1 against the informant and others in which the petitioner no. 2 and others have also received injury. It is further submitted that petitioner no. 2 is only an order giver. It is further submitted that petitioner no. 1 has assaulted the informant with iron rod which caused fracture injury in left leg of the informant, which is not a vital part of the body and further he assaulted the son of informant with iron rod which caused head injury but there is no allegation of repetition of blow. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

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 within a period of six weeks from today, in connection with Samastipur Muffasil



P.S. Case No. 124 of 2022, 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 SDJM, Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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