

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34212 of 2024

Arising Out of PS. Case No.-61 Year-2019 Thana- DEWARIA District- Muzaffarpur

1. Pramod Mahto, Son Of Mishri Mahto Resident Of Village - Madhopur Bujurg, Police Station - Deoriya, District - Muzaffarpur
2. Bijali Mahato, Son Of Late Dhanu Mahato Resident Of Village - Bujurg, Police Station - Deoriya, District - Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-08-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that by order dated 23.05.2024, the case diary along with the injury report were called for. It is next submitted that from the office report dated 21.06.2024, neither the case diary nor the injury report has been received.

4. The Court will not wait endlessly for the case diary



and the injury report and thus, proceeds on merit.

5. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that accused persons including the petitioners came and started abusing and when informant objected, Pramod Mahto assaulted Bhuneshwar Sahni on head by an iron rod causing injury. Further, he fell down, Pramod again assaulted him by an iron rod causing fracture injury on left hand. Thereafter, Jitu Mahto assaulted Bhuneshwar with spear causing injury on stomach and leg. Thereafter, it is alleged that Bijli Mahto assaulted informant causing on head and the accused also assaulted other family members of the informant causing injury as detailed in the F.I.R.

6. The learned counsel appearing on behalf of the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that as far as petitioner no.2 is concerned, though it is alleged against him that he assaulted the informant causing injury on head, but then, F.I.R. does not disclose that by what mode he assaulted, which cast an aspersion on the case of the prosecution. It is also submitted that no doubt, against petitioner no.1, it is alleged that he assaulted Bhuneshwar on head by an iron rod causing injury and



thereafter, again repeated the blow and assaulted him causing fracture injury on left hand, but then, the injury report is not on record.

7. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application and submits that there is direct allegation against the petitioners of assaulting the informant causing injury on head..

8. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court No.1, the learned Judicial Magistrate, 1st Class, West, Muzaffarpur in connection with Deoriya P. S. Case No.61 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. It is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the injury of Bhuneshwar Sahni and the informant and in the event, if it is found that Bhuneshwar has received grievous injury in



that event, the present anticipatory bail order shall not be given effect to in favour of Pramod Mahto. Further, if it is found that informant also received grievous injury on head in that event, the present order shall loose its force in favour of Bijli Mahto (petitioner no.2) also. However, if the injury suffered by the injured is simple in nature, in that event, the bail bonds of the petitioners shall be accepted forthwith.

(Satyavrat Verma, J)

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