

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35605 of 2024

Arising Out of PS. Case No.-50 Year-2023 Thana- DEOKUND District- Aurangabad

1. Rahesh Mahto, Son of Sheonarayan Mahto Resident of Village- Sitaldhari Bigha, P.S- Deokund, Dist- Aurangabad (Bihar)
2. Baban Mahto, Son of Rahesh Mahto Resident of Village- Sitaldhari Bigha, P.S- Deokund, Dist- Aurangabad (Bihar)
3. Lallan Mahto, Son of Rahesh Mahto Resident of Village- Sitaldhari Bigha, P.S- Deokund, Dist- Aurangabad (Bihar)
4. Bindeshwar Mahto, Son of Kapil Mahto Resident of Village- Sitaldhari Bigha, P.S- Deokund, Dist- Aurangabad (Bihar)
5. Dineshwar Mahto, Son of Kapil Mahto Resident of Village- Sitaldhari Bigha, P.S- Deokund, Dist- Aurangabad (Bihar)
6. Guddu Kumar, Son of Dineshwar Mahto Resident of Village- Sitaldhari Bigha, P.S- Deokund, Dist- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-07-2024 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Deokund P.S. Case No. 50/2023 registered on 25.10.2023 for the offences punishable under Sections 307, 379, 341, 323, 324, 325, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been lodged against seven named accused persons including the



present petitioner. The allegation has been made in the FIR all the accused persons reached at the house of the informant and started abusing and assaulting the informant and his family members. It is specifically alleged against petitioner No.1 that he assaulted by a lathi where as petitioner no.2 alleged to have assaulted by an axe due to which the injury has been caused.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have committed no offence. The antecedent of the petitioner is clean. They are resident of the same village and well-known to each other but due to prior dispute going on between them, the present FIR has been lodged with frivolous allegation. He further submits that for the same place and date of occurrence, there is case and counter case between the parties. The case which has been lodged he informant's side is Deokund P.S. Case No. 50/2023 and the case lodged by the petitioners' side is Deokund PS. Case No. 51 of 2022. Learned counsel for the petitioner submits that the injury report has been attached as Annexure -3. It is alleged in the FIR that the injury has been caused by an axe which a sharp cut weapon whereas the injury report reflects the injury caused is lacerated wound. Learned counsel further submits that there is no act and overt-act against both the petitioners.



4. Learned APP for the State opposes the prayer for bail of the petitioners.

5. In the aforesaid facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Aurangabad, in connection with Deokund P.S. Case No. 50/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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