

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38954 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- LAUKAHA District- Madhubani

1. Ajay Kumar @ Ajay Kumar Mahto, Son Of Vilksan Mahto, R/O - Ward No. 14, Bholapur, P.S.- Lalmaniya (o.p.), Dist- Madhubani
2. Vilksan Mahto, Son Of Late Baldeo Mahto, R/O - Ward No. 14, Bholapur, P.S.- Lalmaniya (o.p.), Dist- Madhubani
3. Abhishek Kumar @ Abhishek Kumar Mahto, Son Of Ajay Kumar @ Ajay Kumar Mahto, R/O - Ward No. 14, Bholapur, P.S.- Lalmaniya (o.p.), Dist- Madhubani
4. Jeetendra Kumar Mahto, Son Of Ajay Kumar @ Ajay Kumar Mahto, R/O - Ward No. 14, Bholapur, P.S.- Lalmaniya (o.p.), Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Bharti, Advocate
For the State	:	Mr. Madhura Nand Jha, APP
For the Informant	:	Mr. Hriday Narayan Harshit, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. In the present case, the petitioners are apprehending their arrest in connection with Laukaha (Lalmaiya O.P.) P.S. Case No. 164 of 2023 registered on 23.06.2023 for the alleged offences under Sections 341, 323, 308, 354, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons assaulted the informant and his family members causing a number of injuries to them. The occurrence



took place in the background of drainage of rain water.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is counter version of the occurrence and petitioner no.1 Ajay Kumar has lodged Laukaha P.S. Case No. 165 of 2023 against the informant of the present case and others. Earlier petitioner no. 4 Jitendra Kumar Mahto has also lodged Laukaha P.S. Case No. 83 of 2022 against the informant side. In the background of old enmity, the petitioners have been falsely implicated in the present case in order to harass them. The petitioners did not assault the informant or his family members and this fact is also supported by the injury reports which show only simple injuries. The inference is that some scuffle took place between the two groups. Learned counsel further submits that apart from the present case, the petitioners are having accused in one more case in which they are on bail.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submissions made on behalf of the petitioners. Learned counsel for the informant submits that the petitioners assaulted the minor girls and caused the injuries to them.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the non-serious and superficial nature of injuries of the victims and also considering the possibility of false accusation, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Jhanjharpur, Madhubani/ court concerned in connection with Laukaha P.S. Case No. 164 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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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