

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38642 of 2024**

Arising Out of PS. Case No.-524 Year-2023 Thana- PARBATTa District- Khagaria

1. Jitendra Kumar Mahton @ Jitendra Kumar Patel @ Jitendra Kumar Son of Brahmdev Mahton Resident of village - Buddh Nagar, Bharat Khand Deorhi, P.S.- Parbatta, District - Khagaria.
2. Sushil Kumar Mahton @ Suhil Kumar @ Shushil Mahton Son of Brahmdev Mahton Resident of village - Buddh Nagar, Bharat Khand Deorhi, P.S.- Parbatta, District - Khagaria.
3. Manoh Mahton @ Manoj Kumar @ Manoj Kumar Mahton Son of Lalchand Mahton Resident of village - Buddh Nagar, Bharat Khand Deorhi, P.S.- Parbatta, District - Khagaria.
4. Satyam Kumar Son of Gautam Mahton Resident of village - Buddh Nagar, Bharat Khand Deorhi, P.S.- Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                           |
|--------------------------|---|---------------------------|
| For the Petitioner/s     | : | Mr. Anuj Kumar, Advocate  |
| For the Opposite Party/s | : | Mr. Shailendra Kumar, APP |

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA**

ORAL ORDER

2      16-07-2024                      Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 447, 341, 323, 307, 354(b), 379, 504 and 506/34 of the Indian Penal Code.

3. As per allegation in the FIR, all the accused persons/petitioners by forming unlawful assembly arrived at the house of the informant, abused and assault her and thereafter co-accused Raushan Kumar Mahto assaulted the informant with



iron rod with intention to kill and petitioner Satyam Kumar  
stolen gold ear ring worth Rs.25,000/-

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He next submits that the injury report is found to be simple and the informant and the petitioners are same village, land dispute is also going on and they have got clean antecedent as stated in para-3 of the petition.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that if granting anticipatory bail will be granted to the petitioners, then the investigation will be affected.

6. On perusal of the first information report and impugned order dated 15.02.2024, it appears that from perusal of the injury report that although the nature of injury found to be simple in nature but the injury sustained on head of an old woman being vital part of the body and witlessness in paras.9, 10, 28(victim) have supported the case of the prosecution and from perusal of the supervision note mentioned in para no.75 of the case diary, investigating officer has found the case true against the petitioners as stated in the impugned order, so considering all aspects of the matter, I am not inclined to grant



anticipatory bail to the petitioners.

7. Prayer for anticipatory bail to the petitioners is hereby rejected.

8. However, the petitioners are directed to surrender before the trial Court within a period of one month from the date of receipt of the order and pray for regular bail before the trial Court and the trial Court shall pass an order without being prejudiced by this order.

**(Ramesh Chand Malviya, J)**

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