

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47662 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- BAHERI District- Darbhanga

1. Surendra Mahto @ Surendar Mahto, Son Of Ram Prasad Mahto,
2. Vinod Kumar Mahto @ Vinod Mahto, Son Of Surendra Mahto
- Both are residents of village- Sher, P.S.- Baheri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brajesh Kumar Singh, Advocate
For the State	:	Mr.Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Kedar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

325-09-2024

Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. In this present case, the petitioners are apprehending their arrest in connection with Baheri P.S. Case No. 110 of 2024, registered for the offences under Sections 341, 323, 308, 354(B), 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons assaulted the minor daughter of the informant causing fracture of her head. They further assaulted the informant, her husband, her parents-in-law with rod and *chirauta*. They took away clothes and ornaments and



Rs.35,000/- of the informant. The occurrence took place in the background of minor daughter of the informant picking *Amla* fruit fallen from the tree of the co-accused Pramod Kumar Mahto.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The FIR has been lodged after a delay of more than three months as for the occurrence dated 25.12.2023, the FIR has been lodged on 10.04.2024 and the explanation is not believable. The learned counsel further submits that the husband of the informant namely, Sanjay Yadav had taken Rs. 50,000/- from the co-accused Pramod Kumar Mahto between 26.01.2024 to 07.02.2024 as a loan but did not return. The learned counsel further submits that it is not probable that if such type of occurrence had taken place, despite these facts, the husband of the informant would take loan from the person who allegedly caused such occurrence. The husband of the informant has been indulging in illicit trade of liquor and Baheri P.S. Case No. 62/2024 has been registered on 07.03.2024 and Sanjay Yadav has been arrested and recovery of illicit liquor was made from his house. The family members of the informant suspected that the information to



the police was given by the accused persons of this case and for the aforesaid grounds, the present case has been lodged almost after four months of the alleged occurrence. The learned counsel further submits that injury report of the informant shows lacerated wound of size 2.5" x 1/4" x skin deep over forehead. Similarly, the injuries of the daughter of the informant is also stitched wound of size 3 x 1 x 0.5 cm. Though the injury of the informant is stated to be grievous, but there is no repetition of blow and allegation is not specific against any of the accused persons. The injury of daughter of the informant is simple. The learned counsel further submits that the petitioners have no criminal antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioners. The learned counsel for the informant submits that the injury of the informant is stated to be grievous, whereas the injury of the daughter of the informant is stitched wound over forehead.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the inordinate delay in lodging the FIR and further considering the possibility of false implication and clean antecedent of



the petitioners, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Darbhanga, in connection with Baheri P.S. Case No. 110 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other 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.

V.K.Pandey/- **(Arun Kumar Jha, J)**

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