

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53253 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- NIMACHANDPURA District- Begusarai

1. Bhola Kumar @ Bhola Mahto Son of Subhash Mahto @ Subal Mahto R/O Vill.- Nima Chandpura, P.s.- Nima Chandpura, Dist.- Begusarai
2. Subal Mahto @ Subhash Mahto Son of Jitan Mahto R/O Vill.- Nima Chandpura, P.s.- Nima Chandpura, Dist.- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mirityunjay Kumar
For the Opposite Party/s	:	Mr. Ashok Kumar Singh
For the Informant	:	Mr. Amar Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 11-12-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in connection with Nima Chandpura P.S. Case No. 22 of 2024 registered for the offences punishable under Sections 323, 325, 341, 307, 504, 506 and 34 of the Indian Penal Code and later on Section 302 of the IPC was added.

3. Learned counsel for the petitioners submits that petitioner no. 1 is a person with clean antecedent and petitioner no. 2 has antecedent of one case under the Excise Act and the informant alleges that the accused persons including the



petitioners with common intention came to her house and thereafter Subal Mahto assaulted her husband on his head by an iron rod causing injury and when informant and her brother-in-law came to save him when Mithun assaulted her husband by *lathi* causing injury on head thereafter Bhola Mahto assaulted by *tengari* on the head of the husband of the informant, further Ranjit and Chhotu also assaulted by *katta* and knife causing injury on head of the husband of the informant and they also looted household articles.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case on account of dispute relating to land. It is also submitted that the allegation of assault is specific, but then it does not appear probable that the informant with such precision could have alleged that who assaulted her husband by what and where. The learned counsel for the petitioners next submits that there is a case and a counter case between the parties.

5. The learned counsel appearing on behalf of the informant opposes the regular bail application and submits that initially the FIR was instituted under various sections of the IPC including Section 307 IPC, but during the course of treatment on account of brutal assault, the husband of the informant died,



as such, Section 302 IPC was added subsequently. It is also submitted that there is specific allegation against the petitioners of assaulting the husband of the informant by *tengari* and iron rod on vital part of his body i.e. head.

6. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not inclined to release the petitioners on bail who are in custody since 04.04.2024.

7. Accordingly, the instant regular bail application is rejected.

(Satyavrat Verma, J)

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