

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68696 of 2024

Arising Out of PS. Case No.-148 Year-2024 Thana- SUGAULI District- East Champaran

1. Ram Balak Mahto S/O Late Raghunan Mahto Resident Of Village- Shreepur Goplapur, P.O and P.S- Sugauli, Dist- East Champaran.
2. Suresh Mahto S/O Late Raghunan Mahto Resident Of Village- Shreepur Goplapur, P.O and P.S- Sugauli, Dist- East Champaran.
3. Fulesh Mahto S/O Late Raghunan Mahto Resident Of Village- Shreepur Goplapur, P.O and P.S- Sugauli, Dist- East Champaran.
4. Chandrika Mahto S/O Late Ram Surat Mahto Resident Of Village- Shreepur Goplapur, P.O and P.S- Sugauli, Dist- East Champaran.
5. Krishna Mahto S/O Gaya Mahto Resident Of Village- Shreepur Goplapur, P.O and P.S- Sugauli, Dist- East Champaran.
6. Rajendra Mahto S/O Late Raghunan Mahto Resident Of Village- Shreepur Goplapur, P.O and P.S- Sugauli, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Sugauli P.S. Case No. 148 of 2024 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 379, 506 of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the present petitioners is of assaulting



the Informant and his family members indiscriminately by means of *lathi*, *farsa* etc.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case due to dirty village party-politics and previous grudge. Both the parties are *Gotias* and next door neighbour and there is an admitted land dispute between them which is still going on. He further submits that the petitioner no.1 is the order giver. There is specific allegation of assault against the petitioner no.2, Suresh Mahto, by *farsa* upon the Informant causing head injuries to him. The allegation against the petitioner no.4 / Chandrika Mahto is of taking out Rs. 2500/- from the pocket of the Informant. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, stating that the offence alleged against the petitioners is serious in nature. He further submits that the petitioner no.1 is the order giver and there is direct allegation of assault against the petitioner no.2/Suresh *Mahto* of assaulting the Informant with *farsa* causing head injuries upon



him. The injury report supports the prosecution case. The petitioners are named in the F.I.R. and, hence, they do not deserve bail.

6. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioners, let the petitioner nos. 1 and 3 to 6, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sugauli P.S. Case No. 148 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, there being direct and specific allegation of assault against the petitioner no.2/Suresh Mahto, by *farsa*, causing head injuries to the Informant, this Court is not inclined to grant privilege of anticipatory bail to him.

8. Accordingly, the prayer for anticipatory bail of the petitioner no.2/Suresh Mahto, is rejected. If he surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the



court below in accordance with law without being prejudiced by
the order of this Court.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

