

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71602 of 2024

Arising Out of PS. Case No.-339 Year-2017 Thana- MUFFASIL District- West Champaran

1. Bhikhari Mahto Son of Late Kanchan Mahto Resident of Village - Shekhauna Math, P.S.- Bettiah Muffasil, District - West Champaran.
2. Raja Mahto Son of Late Kanchan Mahto Resident of Village - Shekhauna Math, P.S.- Bettiah Muffasil, District - West Champaran.
3. Vijay Mahto Son of Late Kanchan Mahto Resident of Village - Shekhauna Math, P.S.- Bettiah Muffasil, District - West Champaran.
4. Chengan Devi @ Chengani Devi Wife of Sri Prahlad Mahto Resident of Village - Shekhauna Math, P.S.- Bettiah Muffasil, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Bettiah Muffasil P.S. Case No. 339 of 2017 dated 12.08.2017 instituted for the offence punishable under Sections 341, 323, 447, 504, 506/34 of the Indian Penal Code, in which charge sheet has been submitted under Section 325, 308 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date and time of occurrence, when the informant went to look after her land, she found petitioner no. 1 living in a hut constructed on



her land. When she asked to remove the hut from her land, the petitioners along with other accused persons started abusing. Thereafter petitioner no. 4 assaulted on the head of the informant by means of *daab*. It is alleged that petitioner nos. 1 to 3 assaulted the informant by means of *lathi*. It is also alleged that petitioner no. 1 assaulted on the elbow of left hand of father-in-law of the informant by means of spear and petitioner no. 2 assaulted on his right hand by means of *lathi*.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is specific allegation against the petitioner no. 1 that he assaulted with spear on the elbow of the left hand of the informant. Learned counsel for the petitioners submits that the injury report does not corroborate the allegation against the petitioner no. 1. Doctor opined that the injury is caused by hard and blunt substances. As per the injury report, injury no. 1 is lacerated wound on left elbow of size 1½" x ¼" and nature of injury no. 1 is grievous in nature. So far allegation levelled against the petitioner no. 2 is concerned, learned counsel for the petitioners submits that he assaulted with lathi on the right hand of the father-in-law of the informant. The said injury has been mentioned in injury report as laceration and abrasion on right wrist 1" diameter and the nature of this injury



is grievous. With regard to petitioner nos. 3 & 4, learned counsel for the petitioners submits that there is general and omnibus allegation against them. Learned counsel for the petitioners further submits that the injuries have not been inflicted on the vital part of the body which has also been supported by injury report. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Bettiah Muffasil P.S. Case No. 339 of 2017, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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