

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72571 of 2023

Arising Out of PS. Case No.-289 Year-2020 Thana- JOGAPATTI District- West Champaran

1. Akhilesh Mahto @ Aklesh Prasad S/O Late Bhola Mahto Village- Sibaipatti, Ps. Jogapatti (Sanichari), Dist. West Champaran
2. Vishwakarma Mahto S/O Late Rampat Mahto Village- Sibaipatti, Ps. Jogapatti (sanichari), Dist. West Champaran
3. Chhabila Mahto @ Chhabilal Kumar S/O Prahlad Mahto Village- Sibaipatti, Ps. Jogapatti (Sanichari), Dist. West Champaran
4. Lalman Mahto S/O Bira Mahto Village- Sibaipatti, Ps. Jogapatti (Sanichari), Dist. West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Jogapatti (Sanichari) P.S. Case No. 289 of 2020 dated 13-07-2020, instituted for the offence punishable under Sections 147,148,149,341, 342, 323, 307, 379, 324, 504 and 506 of the Indian Penal Code.

3. According to the F.I.R., there is allegation against the petitioners that they along with other F.I.R. named accused having various arms came at 'Dalan' of informant and on the order of petitioner No.2, namely, Vishwakarma Mahto, co- accused, namely, Rohit Mahto assaulted the informant by means of axe causing injury above his left eye. In the mean time, co- accused, namely, Yadolal Mahto inflicted the informant by means of *Farsa* on his left leg due to which his toe was cut. Co-accused Ravi Kumar Mahto inflicted



with axe on the head of his nephew causing injury on his left eye. It is alleged that when *Bhabhi* of the informant, namely, Prabhawati Devi came to save him, then petitioner no.2, namely, Vishwakarma Mahto assaulted her by means of *Garasa*, on account of which, she sustained injury on her leg. It is further alleged that petitioner no.4, namely, Lalman Mahto, assaulted the brother of the informant causing injury on his right hand finger. It is further alleged that the informant's son was also assaulted by petitioner no.3, namely, Chhabilal Mahto on his head. The occurrence took place due to land dispute.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. The petitioners are named in the FIR. It is submitted that police, after investigation, submitted final form exonerating the petitioners of the alleged crime, but the learned Magistrate differing with the police report, took cognizance against all the accused persons. It is submitted that there is specific allegation against co-accused namely, Rohit Mahto and Yadolal Mahto of assaulting the informant by means of axe and *Farsa*, on account of which he sustained injury above his left eye and also on left leg. Allegation against the petitioner no.2, namely, Vishwakarma Mahto is of assaulting the *Bhabhi* of the informant by means of *Garasa* causing injury on her leg. Allegation against petitioner no.4, namely, Lalman Mahto is of assaulting the brother of the informant, causing injury on his right hand finger. Allegation against petitioner no.3, namely, Chhabilal Mahto is of assaulting the informant's son on his head. It is also submitted that other similarly situated co-accused, namely, Nawal Mahto, Rangila Mahto, Manoj Mahto, Alok Mahto, Satan Mahto and Santosh Mahto have been granted anticipatory bail vide order dated 27-09-2021, passed in Cr. Misc. No. 8032 of 2021 by a Co-ordinate Bench of this Court. It is also submitted that there is case and counter case between the parties i.e., Jogapatti (Sanichari) PS Case No. 290 of 2020, lodged by Yadolal Mahto, who is also an



accused of the instant case. Lastly, it is submitted that petitioners are man of clean antecedents except the petitioner no.4, who has one criminal case pending against him, in which, he is on bail.

5. Learned A.P.P. for the State has opposed the prayer for 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 Jogapatti (Sanichari) P.S. Case No. 289 of 2020, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J M 1st Class, West Champaran, Bettiah or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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