

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79367 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- RAGHOPUR District- Vaishali

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1. GITA DEVI W/O HORIL MAHTO R/O VILLAGE- RUSTAMPUR, PANRASIYA TOLA, P.S- RAGHOPUR (RUSTAMPUR O.P.), DISTT.- VAISHALI.
 2. AKASH KUMAR S/O HORIL MAHTO R/O VILLAGE- RUSTAMPUR, PANRASIYA TOLA, P.S- RAGHOPUR (RUSTAMPUR O.P.), DISTT.- VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 05-03-2024 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in the F.I.R. and apprehending his arrest in connection with Raghopur (Rustampur O.P.) P.S. Case No. 112 of 2023 registered for the offences punishable under Sections 341, 323, 307 and 302/34 of the Indian Penal Code.

3. The allegation against the petitioners is to assault informant and others by means of *lathi* and iron rod causing head and other bodily injuries, having intention to cause their death, where occurrence arises out of land disputes.



4. Learned counsel appearing on behalf of the petitioners submitted that occurrence is of free fight in nature, where both parties received injuries, negating intention to cause on its face, where petitioner's father also lodged a counter case which has been registered as Complaint Case No. 1671 of 2023 before learned CJM, Hajipur. It is also submitted that petitioners have been falsely implicated with the present case out of land dispute and being family member of co-accused Horil Mahto, against whom specific allegation to cause physical assault is available. While concluding the argument it is submitted that petitioners are of clean antecedent.

5. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer for bail submitted that petitioners actively participated during the course of occurrence.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact, as allegation to cause physical assault is available specific against co-accused Horil Mahto and not against these petitioners, accordingly petitioners above named, in the event of their arrest or surrender before the learned Court within a period of four weeks, are directed to be released on bail, furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Vaishali at Hajipur/concerned Court where the case is pending in connection with Raghopur (Rustampur O.P.) P.S. Case No. 112 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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