

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79464 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- GHOSWARI District- Patna

1.

Golu Mahto @ Golu Kumar Son of Saro Mahto @ Sarvesh Choudhary @ Savesh Choudhary Resident of Village - Karkayan, P.S. - Ghoshwari, District - Patna
2.

Nitish Mahto @ Nitish Kumar @ Nitesh Kumar Son of Praveen Mahto @ Praveen Choudhary Resident of Village - Karkayan, P.S. - Ghoshwari, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satrudhan Kumar, Adv.
For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-11-2024 Heard Mr. Satrudhan Kumar, learned counsel for the petitioners and the State.

2. The petitioner is in custody in connection with Ghoswari P.S. Case No. 167 of 2024 for the offence punishable under sections 126(2), 115(2), 117(2), 109, 352 and 3(5) of BNS lodged on 17.08.2024 by the informant, Dileep Kumar.

3. It is the case of the petitioners that while he was irrigating his land, the accused persons came claiming the land to be theirs. Upon asking them to produce papers, they started abusing and thereafter, assaulted indiscriminately which resulted into injury, both to him as also his brothers, they were taken to Primary Health Centre, Ghoswari and then one of the brother



was referred to P.M.C.H considering that he was in a critical condition. This led to the FIR.

4. Learned counsel for the petitioner submits that they are agnates, it is admittedly land dispute, case and counter case are there, petitioner side has also suffered injury.

5. Learned APP, on the other hand opposes the prayer submitting that a perusal of the learned Session Judge order would show that the injuries inflicted by the petitioners/accused persons have been found to be grievous in nature.

6. Having gone through the facts of the case as also the submissions put forward by the parties, there may be land dispute, the assault that has come in the FIR itself clearly shows the gravity of the injuries the informant side suffered, one of the brother was rushed to PMCH in critical condition, the learned Session Judge has recorded the injury to be grievous in nature, in that background, for the present, this Court is not inclined to extend them the privilege of bail.

7. Accordingly, the bail petition stands rejected.

(Rajiv Roy, J)

Vijay Singh/-

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