

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83883 of 2023**

Arising Out of PS. Case No.-87 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

1. RAMESH MAHTO S/O LATE BHOLA MAHTO R/O VILLAGE-HATARH RUPAULI, P.S- BHAIKAV ASTHAN, DISTT.- MADHUBANI.
2. MANOJ MAHTO S/O BINOD MAHTO @ VINOD MAHTO R/O VILLAGE- HATARH RUPAULI, P.S- BHAIKAV ASTHAN, DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate.
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-01-2024 Heard Mr. Nilendu Kumar Choudhary, learned counsel appearing on behalf of the petitioners and Mr. Tarun Prasad Mandal, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Bhairav Asthan P.S. Case No. 87 of 2023 registered for the offence punishable under Sections 341, 323, 304, 307, 354(B), 379 and 504/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., eight accused persons named therein assaulted the informant and his family members. Allegation against petitioner no.1 is of assaulting on the hand of one Ram Sundar Mahto and allegation against petitioner no.2 of snatching golden ornaments from the



daughter-in-law of the informant.

4. Learned counsel appearing on behalf of the petitioners submits that petitioner no.1 is maternal brother and petitioner no.2 is nephew of the informant. There is title suit pending with respect to some property between the parties being Title Suit No. 06 of 2017 in the court of Munsif, Jhanjharpur, Madhubani. Learned counsel further submits that with respect to the property, the informant had earlier also lodged case against the petitioners being Bhairav Asthan P.S. Case No. 4 of 2017 and against other family members being Bhairvan Asthan P.S. Case No. 28 of 2017 and Bhairav Asthan P.S. Case No. 107 of 2012. Learned counsel informs that the petitioners are ready to make payment of Rs.5000/- to meet the loss and the treatment cost to the informant.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners submitting that the injury sustained by the informant and his family members are on the head and some is on other vital parts of the body. The petitioners don't deserve to be released on bail.

6. It has been informed by learned counsel appearing on behalf of the petitioners that for the loss which has been caused to the informant family in any manner to which these petitioners are not responsible, but to get rid of rigors of prosecution as informed, they are ready to make payment of



Rs.5000/- to the informant side, however, the same will not prejudice their case in any manner.

7. Having considered the rival submissions made on behalf of the parties, the allegation levelled against petitioner no.2 is general and omnibus and the allegation against petitioner no.1 is of assaulting on the hand of one Ram Sundar Mahto inflicting simple injury and the wishes of the petitioners to make payment of Rs.5000/- to the informant for the loss caused to the informant's side, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Bhairav Asthan P.S. Case No. 87 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C and further that the petitioners must abide by their wishes as has been informed to this Court by the learned counsel appearing on behalf of the petitioners.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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