

In the Court of Sessions Judge, Rohtas at Sasaram
Anticipatory Bail Petition No. 1393 of 2022

Vinod Singh Mahto @ Vinod Mahto & (4) others V/s State of Bihar

04.08.2022

Apprehending their arrest, accused petitioners- (1) Vinod Singh Mahto alias Vinod Mahto, (2) Deepak Kumar, (3) Anil Mahto alias Anil Kumar and (4) Deepu Mahto alias Deepu Kumar have preferred this anticipatory bail application in connection with Karakat (Gorari) P.S. Case No. 172 of 2020 registered U/Ss- 147,149,341,323,307,504 of the Indian Penal Code and 27 of the Arms Act.

Called for case diary received.

Heard, Mrs. Prativa Pallavi, Ld. Advocate, representing the petitioners and Mr. Chandrama Singh, learned P.P. for the State.

The prosecution case in brief is that on 8.11.2020 at about 4.00 p.m. the informant along with one Saroj Singh were fishing in their filed. In the meantime, accused persons having armed with Lathi, Rami and pistol came there and started to assault the informant and Saroj Singh by means of Lathi, Rami and hocky stick. Accused Deepu Kumar made firing from pistol with intent to kill the informant and Saroj Singh. On alarm of the family members of the informant and villagers the accused persons fled away.

It has been submitted on behalf of the petitioners that no bail application either anticipatory or regular on behalf of these petitioners has earlier been filed either in this Court or in the Hon'ble High Court, Patna, prior to the present bail application. The petitioners are innocent and have committed no offence. They have falsely been implicated in this due to previous enmity. The counter case has been lodged against the informant and his family members in Karakat P.S. Case No. 171/2020 U/Ss- 147,149,323,307,379,504,325,506 of the I.P.C. All sections are bailable except section 307 of the I.P.C. and 27 of the Arms Act which is not applicable against the petitioners. The injury of the injured are simple in nature. There is land dispute between the parties. The petitioners have got no criminal antecedent. Hence, petitioners may be enlarged on anticipatory bail.

On the other hand, the learned P.P has opposed this bail application.

Having heard the learned counsels for the parties, I have gone through case record and photostat copy of case diary made available by the prosecution. From perusal of F.I.R. it appears that scuffle took place due to fishing. It is alleged that the petitioners and other accused persons have assaulted the informant by means of Lathi, Rami and fire arm. From perusal of injury report it appears that there is no firearm injury on the body

Contd. of the injured. All injuries are simple in nature. As per F.I.R. altogether (15)
04.08.2022 persons have assaulted the injured but injured Saroj Singh has received one
abrasion injury over right lower eye and nose. The doctor has found all
injuries are simple in nature. The dispute took place due to fishing.

Considering the above discussions and nature of injury,
the above named petitioners are directed to be enlarged on anticipatory bail
on furnishing bail bonds of Rs. 10,000/- [ten thousand] with two sureties of
the like amount each to the satisfaction of the learned court below subject to
the condition as per provision laid down under section 438(2) Cr P C in the
event of arrest or surrender before the learned court below within 30 days
from the date of receipt of this order.

(Dictated & corrected)

Sessions Judge, Rohtas.
04.08.2022