

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13195 of 2017

Arising Out of PS.Case No. -576 Year- 2016 Thana -LAHERIASARAI District- DARBHANGA

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Kanhai Mahto @ Kanhaiya Mahto & Anr

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Smt. Reena Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-03-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Laheriasarai P. S. Case No. 576 of 2016 pending in the Court of CJM, Laheriasarai (Darbhanga) registered for offence punishable under Sections 341, 323, 324, 307, 427, 447, 504 and 506/34 of the Indian Penal Code.

In view of submission of learned counsel for the petitioners, the anticipatory bail prayer of petitioner no.1 is dismissed as withdrawn as he has been arrested.

Learned counsel for the petitioners submits that the occurrence of assault took place in which members of both parties sustained injuries and a land dispute is going on between the parties. The injuries allegedly caused are simple in nature and do



not constitute an offence under Section 307 Indian Penal Code.

Learned A.P.P. on the other hand opposes the prayer for bail.

On perusal of the fardbeyan, I find that there is specific allegation against the petitioner No. 2, Gopal Mahto, who caused injuries on the abdomen and thigh of the informant by giving knife blow and he was referred to Darbhanga Medical College Hospital for his treatment.

Considering the allegation of assault by knife on vital part of the informant, I do not find it a fit case for anticipatory bail. His prayer is rejected.

However, if the petitioner surrenders and seeks regular bail before the learned Court below, the same shall be considered on its own merit without being prejudiced by this order.

(Sanjay Kumar, J)

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