

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30631 of 2018

Arising Out of PS. Case No.-20 Year-2018 Thana- KHANPUR District- Samastipur

Sanjay Kumar Mahto @ Sanjay Kumar, son of Ram Punit Mahto, resident of
Vilalge-Khanpur Noniya Tola, P.S.-Khanpur, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Adv.

For the Opposite Party/s : Mr. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections
307,323,341,354,504/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 04.03.2018 submitted by Sudhir Kumar to the
Station House Officer, Khanpur Police Station to the effect that
on 04.03.2018, in the morning, there was hot exchange of words
between the grand-mother-in-law and mother of the informant
with regard to washing of clothes, whereupon, the uncle of the
informant namely, Ram Punit Mahto, started abusing the mother
of the informant and slapped her. Subsequently, the uncle of the
informant Ram Punit Mahto, cousin, Sanjay Kumar Mahto



(petitioner), aunt, Gulab Devi and Sangeeta Devi armed with lathi and bamboo stick, came and started abusing the parents of the informant and assaulted them. During the course of assault, the uncle of the informant, Ram Punit Mahto assaulted with a bamboo stick on the head of the mother of the informant, causing bleeding injury to her, whereas, the petitioner Sanjay Kumar Mahto assaulted with lathi on the head of the father of the informant who has also received injury.

It is submitted by learned counsel for the petitioner that the petitioner is the cousin of the informant and in the background of land dispute, the accusation has been levelled. The petitioner is alleged to have assaulted the father of the informant with lathi, but he received simple injury. There is no accusation of repeating the blow. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner to have assaulted the father of the informant.

Considering the genesis of the occurrence, there is no accusation of repeating the blow, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned SDJM, Samastipur, in connection with Khanpur P.S. Case No.20 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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