

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

Arising Out of PS. Case No.-351 Year-2017 Thana- LAKHISARAI District- Lakhisarai

Prakash Mahto @ Om Prakash, Son of Late Ramchandra Mahto, Resident of Mohalla- English, Ward No.-5, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Indu Bhushan Prasad

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-01-2018 Heard learned counsels for the petitioners and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 323, 307 and 504 of the IPC.

The prosecution case, as per the written report of Sammi Kumar, submitted to the Station House Officer, Lakhisarai Police Station is to the effect that on 13.09.2017 at 11.30 AM, the informant's mother, Sanju Devi went to take water on the public hand-pump, when co-accused Biltu Mahto started abusing his mother, in the meantime, elder brother of the informant came and protested, then co-accused Biltu Mahto, Gulshan, Anil and Anita Devi and the petitioner, Prakash Mahto assaulted the brother of the informant with Khanti and iron rod and when the informant went to rescue him, he was also



assaulted causing injury on his head.

It is submitted by learned counsel for the petitioner that the petitioner is resident of Ward No.4, whereas the house of the informant is situated at Ward No.5. The hand-pump is situated 400 yards away from the house of the informant, hence there is no question of restraining the mother of the informant to take water. The thrust of accusation is against co-accused Biltu Mahto. Since the petitioner was a witness in Complaint Case No. 171C of 2013 which was filed against the informant, hence the petitioner has maliciously been roped in the present. The injury report of the brother of the informant suggests that he received two simple injuries. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is also named in the FIR.

Considering the fact in the FIR, it is alleged that five persons assaulted the brother of the informant, whereas the injury report suggests that he received only two simple injuries and the petitioner having no criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period



of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Lakhisarai in connection with Lakhisarai P.S. Case No. 351 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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