

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7206 of 2019

Arising Out of PS. Case No.-492 Year-2018 Thana- MUFFASIL District- West Champaran

Bhuwal Mahto @ Bhuaal Mahto, Son of Late Sukhari Mahto, Resident of
Village - Laptahi Koiri Tola, P.S. Manuapul, District West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-02-2019 Heard both sides.

Petitioner apprehends his arrest in Bettiah Muffasil (Manuapul) P.S. Case No.492 of 2018 registered under Sections 147, 149, 447, 323, 324, 307, 354, 354(B), 506 and 504 of the Indian Penal Code and under Section 3/4 of the Prevention of Witch Practices Act.

The informant named the petitioner and Bharat Mahto along with other accused persons and alleged that the petitioner came to his house and asked the informant to compromise the case. It is further alleged that the petitioner called Dhari Devi a witch and hurled filthy language on her. It is further alleged that the petitioner and other accused persons assaulted the informant and his family members.

Learned counsel for the petitioner submits that prior to institution of this case, Bettiah Muffasil (Manuapul) P.S. Case No.491 of 2018 was registered on the basis of the *fardbeyan* of the



wife of the petitioner. The petitioner was brutally thrashed by the informant and others. The doctor of M.J.K. Hospital after first aid referred the petitioner to PMCH for better treatment. The doctor found after C.T. Scan hyperdense lesion in both sides of temporal parietal region and also found hemorrhage inside therein along with the fracture. It is further submitted that there is no allegation of assault against the petitioner.

Taking into consideration the facts that there is case and counter case, the case from the side of the petitioner was instituted in earlier point of time and petitioner was also brutally assaulted on account of which the petitioner sustained grievous head injuries and there is no allegation of assault against the petitioner, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran in connection with Bettiah Muffasil (Manuapul) P.S. Case No.492 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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