

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.641 of 2019**

Arising Out of PS. Case No.-77 Year-2018 Thana- KHANPURA District- Samastipur

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AMRIT LAL MAHTO Son of Late Kalicharan Mahto Resident of village-
Udaipur Khanpur, P.S- Khanpur, Distt.- Samastipur (Bihar).

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Nawal Kishor Prasad
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 01-04-2019

Heard the parties.

The appellant is apprehending his arrest in connection with Khanpur P.S.Case no.77 of 2018, G.R.Case No.525 of 2018 , registered for offences punishable under Sections 341, 323, 324, 506,504/34 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act.

Allegation as per FIR is that when the informant went to demand his wages, the co-accused Ritlal Mahto abused him and the appellant assaulted by knife.

Submission of the learned counsel for the appellant is that there is delay of five days in lodging the FIR and the injury report shows that the injury is not of the sharp cutting weapon rather by hard and blunt substance. Moreover prior to lodging of this case, a complaint petition had been filed by the mother of the appellant against the informant and others, which is Annexure-3.

Heard learned Spl.P.P. also.



Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Samastipur in connection with Khanpur P.S.Case No.77 of 2018, G.R.525 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid observation, this appeal is allowed and the impugned order is set aside.

(Vinod Kumar Sinha, J)

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