

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28044 of 2019

Arising Out of PS. Case No.-280 Year-2018 Thana- SIKARPUR District- West Champaran

JITENDRA MAHTO, Son of Kapildeo Mahto, Resident of Village - Manwa
Parsi, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv.

For the Opposite Party/s : Ms.(Dr.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 16-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 147, 323, 324, 354, 354B, 307, 379, 504 of the Indian Penal Code.

The prosecution case as per the informant is that the informant was married with the petitioner in the year 2012 and subsequently, they were blessed with two female children. But much after the marriage, further dowry demand of one motorcycle was made and due to non-fulfillment of the same, the informant was being tortured. Thereafter, the informant in order to save herself, went to her elder sister's house and from there informed her brother, Mohan Lal Mahto about the



incident. It is further alleged that on 21.07.2018, when the brother of the informant reached at the in-laws' house of her sister, all the accused persons, including the petitioner stopped him and thereafter, co-accused, Kapildeo Mahot assaulted on his head with a *farsa*. When the informant and her elder sister, Samtola Devi came to rescue him, then co-accused, Kapildeo Mahto assaulted on the head of the elder sister of the informant with a *farsa*. Other in-laws family members are also alleged to have assaulted the informant and her sister. It is also alleged that the petitioner took out Rs.1800/- from the pocket of the brother of the informant whereas co-accused Parvati Devi snatched earring from the ears of the elder sister of the informant.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been roped in the present case. There is a counter version of the occurrence being Shikarpur P.S. Case No. 284 of 2018 and there is no specific accusation of assault against the petitioner. Moreover, the accusation of assault is not being corroborated by any medical opinion.

Learned APP for the State after going through the case diary submits that the injury has been found to be caused by hard and blunt substance, simple in nature.

Considering the fact that the accusation of assault has



not been levelled against the petitioner and the accusation of assault is against co-accused, Kapildeo Mahto by *farsa* which is a sharp cut weapon, but the injury has been found simple in nature caused by hard and blunt substance, 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 CJM, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No.280 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

