

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37514 of 2019

Arising Out of P.S. Case No.-111 Year-2019 Thana- FATUA District- Patna

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KARA MAHTON @ KARA MAHTO, (Male), aged about 25 years, S/O
Ram Babu, Resident of Village Nathu Pur, P.S.- Fatuha, District-Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Tilak Sao, Advocate
For the Opposite Party : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-08-2019 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 341, 323,
307 and 354(3)/34 of the Indian Penal Code.

As per the prosecution case, the accused persons
assaulted the informant and her husband with knife, *samat* (like
lathi) causing fracture injury in her husband's hand. In the
meantime, petitioner also arrived at the spot and assaulted them.

It is submitted on behalf of the petitioner that there is
no specific allegation of assault against this petitioner rather in
the last paragraph of the FIR, the informant has alleged that
after assault committed by accused persons, co-accused Panchan
Singh came to the spot with the petitioner and indulged in
Marpit with the informant and his family members. Save and
except, no material has been collected against the petitioner to



connect him with the alleged offence. It is further submitted that specific allegation of assault is against co-accused Pancham Singh who has been allowed regular bail by the court below itself, whereas other co-accused Sangita Devi has also been allowed the privilege of anticipatory bail by the court below itself, which has been detailed in paragraph nos.12 and 13 of the petition.

Considering the facts aforesaid, let the petitioner above named, in the event of arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patnacity/successor Court in connection with Fatuha P.S.Case No.111 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Prabhat Kumar Singh, J)

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