

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33759 of 2019**

Arising Out of PS. Case No.-152 Year-2018 Thana- ISUAPUR District- Saran

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MANU MAHTO @ MUNNA MAHTO @ MUNNU Son of Lal Babu Mahto
@ Lalu Mahto Resident of Village - Bela, P.S.- Isuapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Roy

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

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 08-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered under Sections 147, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

While the informant along with his cousin was proceeding to Isuapur market, all the accused persons named in the F.I.R. including the petitioner surrounded them and co-accused Teras Mahto and Arjun Mahto assaulted his cousin by means of farsa on his head. Sustaining injury he fell senseless. He was rushed to the hospital and during the course of treatment he succumbed to his injury.



It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics and animosity. He neither happens to be the assailant nor the instigator of the occurrence. By filing Annexure-2, he has further submitted that as a matter of fact, he was not present at the place of occurrence at the time of occurrence rather he was admitted in Din Dayal Upadhyay Hospital, New Delhi on the date of occurrence and was discharged on 07.10.2018. He has no criminal antecedent. Hence he may be enlarged on bail.

On the other hand, learned APP for the State and learned counsel for the informant opposing the bail petition submitted that process under Section 82/83 Cr.P.C. has been issued against the petitioner and chargesheet has been submitted against him showing him absconder, hence he does not deserve bail.

Having regard to the facts and circumstances of the case and keeping in view that the process under Section 82/83 Cr.P.C. has been issued against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Prayer for bail of the petitioner is rejected.



However, petitioner is directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the petitioner on the very date of his surrender in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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