

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46860 of 2019

Arising Out of PS. Case No.-424 Year-2018 Thana- KHAGARIA District- Khagaria

BIJENDRA MAHTO Son of Late Navi Mahto Resident of Village-Dan
Nagar, P.S.-Khagaria, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Shailendra Kumar

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

ORAL ORDER

3 21-10-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 341, 323,
342, 324, 147, 307 and 379 of the Indian Penal Code.

Over not allowing to take liquor by Gajendra
Mahto, Rohit Kumar and Prince Kumar by grandmother of the
informant, six named accused persons including the petitioner
assaulted the nephew of the informant and when the informant
along with his nephew was proceeding to take medicine eight
accused persons including the petitioner assaulted him by lathi
and knife. Devendra Kumar assaulted the informant by means of
knife while Gajendra Kumar assaulted his nephew Karn Kumar
by means of knife and snatched cash of Rs.5000/-.



It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. As a matter of fact, the petitioner has lodged Khagaria P.S. Case No.332 of 2018 against the informant and others and due to the aforesaid reason the informant has lodged this false and frivolous case against him. There is inordinate delay of one month in lodging the case without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Only Gajendra Kumar and Devendra Kumar are said to have assaulted the informant and his nephew by means of knife while other allegation levelled against the petitioner is not specific rather general and omnibus in nature. Karn Kumar has sustained simple injury caused by hard and blunt substance. Though the informant has also sustained injury by hard and blunt substance but the opinion regarding the said injury has not been brought on record by the prosecution even after passing away of one year and five months.

Learned APP for the State opposed the bail petition.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the



event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 424 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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