

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5719 of 2020**

Arising Out of PS. Case No.-178 Year-2019 Thana- MALSALAMI District- Patna

NEERAJ MAHTO Son of Jattu Mahto Resident of Village - Katra Bazar,
P.S.- Malsalami, Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajiva Ranjan, Advocate
For the Opposite Party/s : Mr.Satyavrat Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 02-09-2020 Heard learned counsel for the petitioner and Mr.
Satyavrat Verma, learned A.P.P. for the State.

Pursuant to the previous order dated 21.08.2020, the injury reports have been received. On record the injury report received from PMCH is available, however Mr. Satyavrat Verma, learned A.P.P. has apprise this court with the injury report available with him received from the NMCH as well.

Petitioner in the present case is seeking pre-arrest bail in connection with Malsalami P.S. Case No. 178/2019 registered for the offence under Sections 341, 323, 324, 307, 34 of the Indian Penal Code, pending in the court of learned A.C.J.M.- IV, Patna City.

It is alleged that in the First Information Report that three persons including this petitioner lashed with Lathi



assaulted the brother of the informant. It is further alleged that three other unknown persons with him who were also lashed with Danda and iron rod and were assaulting the brother of the informant. The informant has claimed that he is an eye witness to the alleged occurrence.

Learned counsel for the petitioner submits that there are general and omnibus allegations against the petitioner. It is alleged that this petitioner was lashed with a Bhala but in course of medical examination of the injured one lacerated wound on the left side of the forehead and nasal bleeding with fractured bone have been noticed by the doctor in NMCH. It is further submitted that the report of PMCH shows that the injured had gone to PMCH with stitched wound and abrasion over left parietal region but he left PMCH without any information to the duty doctor and hospital staff.

It is submitted that later on the petitioner has received treatment in Ruban Hospital. The main contention of learned counsel for the petitioner is that according to the informant the petitioner was having a Bhala in his hand but no Bhala injury has been noticed by the doctor.

Learned A.P.P. for the State has though opposed the anticipatory bail of the petitioner but having noticed the



allegations in the F.I.R. according to which the assault was being made by the co-accused having Lathi in hand with three unknown co-accused with Danda and iron rod and that there is no Bhal injury on the body of the brother of the informant, this Court is inclined to grant privilege of anticipatory bail to the petitioner keeping in view the submission of learned counsel for the petitioner that it is a case of false and over implication and the views expressed by the Hon'ble Supreme Court in such cases in the case of **Bhadresh Bipinbhai Seth Vs. State of Gujarat** reported in (2016) 1 SCC 152 (paragraph 22 and 25.04), let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - IV, Patna City, in connection with Malsalami P.S. Case No. 178/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any



person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

