

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12176 of 2020

Arising Out of PS. Case No.-148 Year-2019 Thana- CHANPATIA District- West Champaran

Nandlal Mahato Son of Late Babu Lal Mahato Resident of Village - Jaitiya,
Sahu Tola, P.S.- Chanpatiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr.Shyameshwar Dayal, APP
For the Informant	:	Mr. Sanjeev Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-10-2020 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant
through video conferencing.

The petitioner has filed the instant application for
grant of anticipatory bail apprehending his arrest in connection
with Chanpatiya P.S. Case no. 148 of 2019 registered under
sections 302, 307, 341, 323, 147, 148 and 149 of the Indian
Penal Code

As per allegation in the FIR, the accused persons
totaling nine in number including the petitioner herein are stated
to have assaulted the father of the informant as a result of which
he sustained injuries, was taken to the hospital from where he
was referred to Patna but he died on way of Patna.



It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. It is submitted that from perusal of the FIR it would transpire that there is general and omnibus allegation against the accused persons and the injury report of the deceased which has come in course of investigation does not support the allegation made in the FIR. No specific allegation of assault or of using any particular weapon is attributed to the petitioner nor has any independent witness supported the allegation against him. It is submitted that co-accused Birendra Mahto and Surendra Mahto have been enlarged on bail.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named along with others but there is allegation against all the persons including the petitioner of having brutally assaulted the father of the informant resulting in his death. It is further submitted that from the postmortem report which has come in the case diary it would transpire that the deceased has sustained two stitched wounds on the leg above ankle, one stitched wound on the right ulna and its above part was fractured, one stitched wound on the head, one stitched wound



on the scalp on left temporal area besides others. It is thus, submitted that the postmortem report fully supports the allegations levelled in the FIR.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the parties together with the material that has transpired in course of investigation as also the postmortem report, the Court is not inclined to enlarge the petitioner on anticipatory bail and as such the application is rejected.

However, it is directed that in view of the other co-accused persons having been granted regular bail, in case the petitioner surrenders within a period of eight weeks from today and moves for bail, his application for bail shall be considered without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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