

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19729 of 2020**

Arising Out of PS. Case No.-97 Year-2019 Thana- BASANTPUR District- Siwan

RAJESH KUMAR @ RAJESH MAHTO Son of Ravindra Mahto Resident of  
Village-Basawn Navka tola, P.S.-Basantpur, District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Tiwary  
For the Opposite Party/s : Mr.Md. Aslam Ansari

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      18-08-2020                      Due to COVID-19 Pandemic, the matter is being  
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”  
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove  
the defect(s), as pointed out by the Stamp Reporter within a  
period of four weeks from the date of lifting of the lockdown in  
the State of Bihar.

Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending his arrest in a case  
registered under Sections 147, 148, 149, 341, 323, 324, 307,  
379, 354, 504 and 506 of the Indian Penal Code.

Allegedly, the accused persons started constructing wall



over the land of the informant. On protest, the accused persons started abusing and on the order of Madan Mahto, the petitioner is said to have given farsa blow on the head of the informant as a result of which, he sustained injury. When the informant's father and wife came to intervene in the matter, they were also assaulted.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The petitioner is alleged to have assaulted the informant but he did not receive any injury. The nature of injury is said to be simple. No offence u/S 307 of the Indian Penal Code is made out.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Basantpur P.S. Case No. 97 of 2019 subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

A.K.V.//-

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