

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23115 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- DULHIN BAZAR District- Patna

JAI PRAKASH MAHTO S/o Late Mathura Prasad Resident of Village-Lala Bhadsara, P.S.-Dulhin Bazar, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha

For the State : Mr. Ram Sewak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-09-2020 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 office, within a period of four weeks after restoration of normalcy.

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

The petitioner is apprehending his arrest in a case registered under Sections 341, 307, 504/34 of the Indian Penal Code and 27 of the Arms Act.

Allegedly, while the informant was at his home, all the accused persons having armed with deadly weapon came there and started abusing him. It is alleged that on the order of this petitioner and one another, accused Tiju Kumar opened fire but the firing did hit no one. The other accused persons are also said to have assaulted the informant.



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. There is land dispute between the parties. None is said to have been injured in the occurrence. 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, 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 furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri P.K. Malviya, learned Judicial Magistrate-Ist Class, Danapur, Patna in connection with Dulhin Bazar P.S. Case No. 23 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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