

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26853 of 2020**

Arising Out of PS. Case No.-481 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

UMESH MAHTO Son of Chulhai Mahto Resident of Village - Morsand, P.S.-
Runnisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

3 24-11-2020 Learned counsel for the petitioner undertakes to remove the defects, if any, within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State in absence of Mr. Umeshanand Pandit, learned APP.

The petitioner in the present case is seeking pre-arrest bail in connection with Runnisaidpur P.S. Case No.481 of 2019 registered for the offences punishable under Sections 341, 324 and 307/34 of the Indian Penal Code.

Learned counsel for the petitioner has shown from the First Information Report that there are general and omnibus allegations against three accused named in the FIR saying that they had attacked from behind on the informant's head and had assaulted



him by sword but it has been submitted that from the injury report (Annexure-2) it will appear that the informant had received only one injury on his head. It is his submission that that it is a case of over-implication of the accused as it is not possible that three persons will assault the informant by sword on his head and all the three will cause only one injury.

Learned counsel submits that the petitioner has been falsely implicated in this case and he has otherwise no criminal antecedent. Caste rivalry is said to be the reason behind his implication in the present case. It is also submitted that in the impugned order also only one injury has been noticed.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner, but considering that in the First Information Report the allegation of giving sword assault is against three accused whereas the injury report shows only one injury which tends this Court to accept the submission of learned counsel for the petitioner that it may be a case of over-implication and considering that the petitioner has otherwise no criminal antecedent, let the petitioner in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Runnisaidpur P.S. Case No.481 of 2019, subject to the condition 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

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'.

