

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83091 of 2019

Arising Out of PS. Case No.-323 Year-2019 Thana- BAKHARI District- Begusarai

PAWAN KUMAR @ PAWAN MAHTO Son of Ram Japo Mahto R/o Ward
No.03, Ghaghra, Koila Mohanpur, P.S.- Bakhri, Dist- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal
For the Opposite Party/s : Mr.Prem Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 25-06-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bakhri P.S. Case No. 323 of 2019, disclosing the offence under Section 307 and other allied Sections of the Indian Penal Code.

The petitioner, his brother and his parents had been made accused in this case. The informant is the aunt of the petitioner, whereas the victim, who sustained injuries, is the petitioner's own uncle. It is alleged in the FIR that all the four persons entered into the informant's house. Father of the petitioner is said to have asked his sons to outrage the informant's modesty. Scuffle, thereafter, took place between the two sides. It is alleged that the petitioner assaulted on the head of the informant's husband with *kudal*(hoe), leading to grievous



injury.

Learned counsel appearing on behalf of the petitioner has submitted that the persons named in the FIR and the informant's family have common ancestor and because of property dispute between them some scuffle might have taken place. He contends that there is no allegation of repetition of blow against the petitioner and, therefore, ingredient of intention to kill is absent.

Considering the aforesaid submission and the circumstance in which the occurrence is said to have taken place, this application is allowed.

Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in Bakhri P.S. Case No. 323 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to



appear before the court on two consecutive occasions, his bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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