

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20386 of 2021

Arising Out of PS. Case No.-798 Year-2020 Thana- BIHAR District- Nalanda

1. Sharvan Mahto @ Sharvan Kumar Son Of Amrirak Mahto @ Amerika Mahto R/O Village Rajakuan, P.S. - Bihar, District - Nalanda
2. Sarbind Mahto @ Sarbind Kumar Son Of Sibin Mahto R/O Village Rajakuan, P.S. - Bihar, District - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2021 Learned counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 1.

Heard learned counsel for the petitioner No. 2 and learned APP for the State.

Learned counsel for the petitioner No. 2 is directed to remove the defects, as pointed out by the Office, within a period of eight weeks.

The petitioner No. 2 is apprehending his arrest in a



case registered under Sections 147, 148, 149, 324, 307, ,504, 506 of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation, in short, is that the accused persons, variously armed, fired upon the father of the informant due to which he sustained injury.

It has been submitted on behalf of the petitioner No. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 2. The petitioner No. 2 has falsely been implicated in the present case. The main allegation of assault is alleged against co-accused Ajay Mahto. No specific overt act is alleged against the petitioner no. 2. There is a case and counter case between the parties. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner No. 2 is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner No. 2, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory 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, Nalanda in connection with Bihar P.S.
Case No. 798/2020, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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