

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17787 of 2020

Arising Out of PS. Case No.-198 Year-2019 Thana- DERNI BAZAR District- Saran

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BIRENDRA MAHTO Son of Ram Ekbal Mahto @ Ramaekabal Mahato
Resident of Village - Sutihar, 56 Feet Nandtola, P.S.- Derni, District- Saran
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Kumar, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 18-01-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Derni P.S. Case no. 198 of 2019 registered under sections 307, 341, 323, 324 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that after having tea, the petitioner was not ready to give money for the same and on the informant asking for his money, he was assaulted with a 'daab' causing serious injuries on his head.

It is submitted by learned counsel for the petitioner that the allegation as narrated in the FIR are false and concocted. A minor dispute/scuffle has been given in look of a very serious nature. It is for this reason that for an occurrence



stated to have taken place on 7.10.2019, the FIR was registered 27 days later without any explanation for the delay, on 4.11.2019. The petitioner has no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

A report with respect to the nature of injury was called for and the same has been received. As per the injury report and the supplementary injury report, there is evidence of multiple small fractures on the head of the informant which has been opined to be grievous in nature.

In the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail and the same is rejected.

However, taking into consideration the fact that the FIR was registered after a delay of 27 days, in case the petitioner surrenders within a period of eight weeks, the learned Court below shall consider the application for anticipatory bail without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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