

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35952 of 2020

Arising Out of PS. Case No.-40 Year-2020 Thana- RAJEPUR District- East Champaran

LAKHINDRA MAHTO Son of Vishwanath Mahto Resident of Village -
Maniarpur, P.S.- Rajepur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.B.N.Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-04-2021 Heard both sides.

The petitioner apprehends his arrest in Rajepur P.S.
Case No.40 of 2020 registered under Sections 341, 323, 307,
379, 504 and 34 of the Indian Penal Code.

The informant alleged that his daughter-in-law went
for bringing water from tubewell but she got dispute with
Marachhiya Devi. Lakhindra Mahto(the petitioner), Birendra
Mahto, Rajesh Mahto, Devendra Mahto, Opendra Mahto,
Rambabu Mahto, Bhola Mahto, Ranjeet Mahto came there and
started abusing the informant. They also assaulted the
informant. Raushan and Bijli Mahto came to save the informant
and his daughter-in-law but Lakhindra Mahto assaulted Raushan
by means of iron rod. Raushan Kumar fell down on the ground
and thereafter other accused persons started assaulting Bijli



Mahto.

The learned counsel for the petitioner submits that of course there is specific allegation against the petitioner that petitioner assaulted Raushan Kumar with iron rod on his head. The occurrence is said to have taken place on 19.04.2020 but the F.I.R. was lodged on 25.04.2020. There is inordinate delay in lodging the F.I.R. but from perusal of the F.I.R. itself, it appears that informant was under treatment in Sadar hospital, Motihari and his son Raushan was referred to P.M.C.H. for treatment. From perusal of the injury report of Raushan Kumar, it appears that he got many fracture injuries on his head and the petitioner is author of the injury. The injury is grievous in nature.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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