

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 40085 of 2020

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1. Jhamlal Mahato @ Jhamlal Chauhan, Male, aged about 50 years, son of late Vishwanath Mahato
 2. Mandip Mahato @ Mandip Chauhan, Male, aged about 28 years, son of Jhamlal Mahato @ Jhamlal Chauhan

Both Residents of village-Surhiya, P.S.-Sidhwaliya, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 03-06-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State, Mr. Uma Nath Mishra.

This is an application for grant of anticipatory bail in connection with Sidhwaliya P.S. Case No.



111 of 2020 registered for the offences punishable under Section 341, 323, 324, 325, 354, 307, 504 and 506/34 of the Indian penal Code.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 1 since he has already stood arrested. Accordingly, the present petition qua the petitioner no. 1, stands dismissed as not pressed.

The case of the prosecution in brief is that while the informant was unloading bricks, his neighbors i.e. the accused persons including the petitioners herein had arrived and assaulted the informant. As far as the petitioner no. 2 is concerned, he is stated to have assaulted one Ladoo Mahato.

The learned counsel for the petitioner no. 2 submits that the petitioner no. 2 is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner no. 2 has further submitted that



a bare perusal of the injury report of the said Ladoo Mahato, annexed as Annexure 2 series to the present petition, would show that all the injuries sustained by the said Ladoo Mahato are simple in nature. It is further submitted that if at all the prosecution story is taken to be true on its face value, it would be apparent that the petitioner neither had any intention to inflict injuries on the vital parts of the said Ladoo Mahato or kill him.

Per contra, the learned APP for the State, Mr. Uma Nath Mishra, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner no. 2 and taking into account the materials available on record as also considering the fact that the injuries attributable to the petitioner qua the injured person, namely, Ladoo Mahto, have been found to be simple in nature and the petitioner is having a



clean antecedent, I deem it fit and proper to enlarge the petitioner no. 2 above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Gopalganj, in connection with Sidhwaliya P.S. Case No. 111 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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