

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6322 of 2021

Arising Out of PS. Case No.-583 Year-2020 Thana- NAWADA District- Nawada

1. Bipin Mahto S/O-Janki Mahto Resident Of Village- Khaprahi, P.S. Nagar, Nawada, Kadirganj O.P., Dist- Nawada
2. Jhulan Mahto S/O- Late Bachu Mahto Resident Of Village- Khaprahi, P.S. Nagar, Nawada, Kadirganj O.P., Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh

For the Opposite Party/s : Dr. Mritunjay Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-11-2021 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The application is dismissed as withdrawn in respect of petitioner No. 1.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 341, 323, 324, 326, 504 and 34 of the Indian Penal Code.

The prosecution allegation, in short, is that in lieu of land dispute when the informant and others tried to pacify the matter, the accused persons assaulted the informant due to which he sustained injuries.

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 has falsely been implicated in the present case. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. There is a land dispute between the parties. Specific allegation of assault is against the co-accused Janki Mahto. As far as petitioner no. 2 is concerned, general and omnibus allegation has been made against him. No offence under section 326 IPC is attracted as far as petitioner no. 2 is concerned.

On behalf of the State, it is submitted that the petitioner no. 2 is named in the F.I.R.

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 learned Chief Judicial Magistrate, Nawada in connection with Nawada (Kadirganj) P.S. Case No. 583 of 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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