

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11078 of 2021**

Arising Out of PS. Case No.-82 Year-2019 Thana- GAUTAMBUDHNAGAR District- Siwan

DINESH KUMAR MAHATO @ DINESH MAHATO Son of Bigal Mahato
Resident of Village - Chhitauli, P.S.- Goreyakothi, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav, Advocate
For the Opposite Party/s : Mr. C. Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 16-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioner is apprehending his arrest in connection with G.B. Nagar P.S. case No.82/2019 registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 342 of the Indian Penal Code. Later on, Section 302 of I.P.C. has been added.

Allegation is that the accused persons including the petitioner and 4-5 unknown abused and attacked on the informant. Co-accused Rajesh Mahto gave sword blow on the head of father of the informant, due to which he sustained grievous injury and fell down on the ground. Co-accused Suraj



Mahto assaulted with farsa upon the head of the informant, due to which he sustained bleeding injury. Co-accused Rambabu Mahto assaulted with iron rod upon hand of the informant, as a result of which his hand was broken. The accused persons also assaulted the brother of the informant, due to which he sustained injury. The injured was taken to the Hospital for treatment. In course of treatment, the father of the informant died.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no allegation of assault alleged against the petitioner. Co-accused Rajesh Mahto is said to have assaulted the deceased. Suraj Mahto and Rambabu Mahto are alleged to have assaulted the informant.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the fact that there is no allegation of assault is alleged against the petitioner, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the



satisfaction of learned Chief Judicial Magistrate, Siwan in connection with G.B. Nagar P.S. case No.82/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

