

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13000 of 2022

Arising Out of PS. Case No.-685 Year-2021 Thana- LAKHISARAI District- Lakhisarai

1. Naresh Mahto S/O- Asarfi Mahto R/O Village- Makauna, Purana Tola, Ward No. 29, P.S.- Kabaiya, District- Lakhisarai.
2. Subhash Mahto S/O- Naresh Mahto R/O Village- Makauna, Purana Tola, Ward No. 29, P.S.- Kabaiya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-10-2022 Heard learned counsel for the

petitioners, learned counsel for the informant
and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379, 504 of the Indian Penal Code and Section 302 of the Indian Penal Code has further been added.

Learned counsel for the petitioners seeks permission to withdraw the petition with regard to petitioner No. 1 namely, Naresh



Mahto, since he has been arrested.

Permission is accorded.

Accordingly, the petition with respect to petitioner No. 1 namely, Naresh Mahto is dismissed as withdrawn.

The prosecution case as per F.I.R is that on 09.10.2021, when the informant was at her home, petitioner along with co-accused persons came to her house and started abusing and assaulting. It is specifically alleged against the petitioner that he assaulted with axe on the head of the informant, as a result of which, the informant sustained head injuries, due to which she succumbed to injuries. On protest, the daughter-in-law of the informant was also assaulted by the co-accused persons with an intention to outrage her modesty. It is further alleged that while the son of the informant tried to rescue, he too was assaulted by the co-accused persons with lathi, danda and iron rod, causing injuries.



It is submitted by learned counsel for the petitioner that petitioner and the informant are agnats and in the background of some land dispute, this occurrence has taken place. There is counter version of the occurrence also and petitioner's side also received injuries. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned counsel for the informant and learned A.P.P appearing on behalf of the State vehemently opposed the prayer of the petitioner for anticipatory bail and submitted that there is specific overt act of assaulting against the petitioner by means of axe, on the head of the informant due to which she succumbed to injuries. It is also submitted that from perusal of the Case Diary vide para 68, postmortem report also corroborate with the prosecution version.

Considering the above-stated facts, this



Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner stands rejected.

(Sunil Kumar Panwar, J)

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