

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14561 of 2022**

Arising Out of PS. Case No.-994 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

=====

MANOJ MAHTO @ MANOJ KUMAR MAHETA S/O RAM VALIHARI
PRASAD @ RAM VALIHARI MAHTO RESIDENT OF VILLAGE-
RAJVARA, P.S.- KHANPUR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate
For the Opposite Party/s : Mr. Ashok Kumar, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 19-09-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 326/34 and 504/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent.

The complainant alleges that on 12.06.2017, at about
08:00 a.m., his daughter-in-law started washing her cow at the
bathan of the complainant on account of which water gathered at the
place of occurrence on which the complainant objected thereafter
Rita Devi abused him and called other accused persons. It is further
alleged that on the order of Sanjay Mahto, Dilip Mahto pointed pistol



on the complainant and Manoj Mahto (petitioner) assaulted the complainant with an iron rod on his hand causing injury. Thereafter, other accused persons also assaulted the complainant with lathi causing fracture of his hand.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case as it has been specifically pleaded at para 10 of the anticipatory bail application that no injury report is on record. He further submits that instead of instituting an FIR, the complaint case came to be instituted which further creates doubt with regard to the veracity of the allegation as alleged. He next submits that the date of occurrence is 12.06.2017 and the complaint came to be instituted on 16.06.2017 i.e. after a delay of nearly four days of the occurrence. He also submits that by order dated 03.10.2017 cognizance was taken under Sections 326/34 and 504/34 of the Indian Penal Code.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that order of cognizance is dated 03.10.2017 and the petitioner has moved for anticipatory bail in the year 2022 and it may be a possibility that process under Section 82 of the Cr.P.C. might have been issued against the petitioner.

Learned counsel for petitioner submits that he has instruction to make submission that till date no process under Section 82 Cr.P.C. has been issued.



Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with C.R. No. 994 of 2017 (T.R. No. 3890 of 2017), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial court before accepting the bail bond of the petitioner shall verify as to whether any process under Section 82 Cr.P.C. has been issued or not and in the event if any process under Section 82 Cr.P.C. has been issued then the present anticipatory bail order shall not be acted upon and if no process under Section 82 Cr.P.C. has been issued then the present anticipatory bail order shall be acted upon forthwith.

(Satyavrat Verma, J)

Kundan/-

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

