

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17978 of 2022

Arising Out of PS. Case No.-510 Year-2021 Thana- SIWAN CITY District- Siwan

1. SATYENDRA MAHTO @ SATYENDRA KUMAR S/o Raghav Prasad @ Raghav Mahto @ Raghav Prasad Chauhan Resident of Village- Laxmipur, Siswan Dhala, P.S.- Siwan Town, District- Siwan.
2. Mintu Kumar Mahto @ Mintu Mahot S/o Raghav Prasad @ Raghav Mahto @ Raghav Prasad Chauhan Resident of Village- Laxmipur, Siswan Dhala, P.S.- Siwan Town, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission
to withdraw the present anticipatory bail application with
respect to petitioner no. 1.

Permission is accorded.

The petitioner no. 2 apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal
Code.

Learned counsel for the petitioner submits that
petitioner no. 2 is a person with clean antecedent and the



informant alleges that when he came back home from work, he saw the accused persons, including the petitioners, variously armed have surrounded his nephew and elder brother. It is further alleged that petitioners assaulted his brother by knife and sword causing injury below his shoulder and when his nephew tried to save him, he was also assaulted brutally by sword. Further, when the informant tried to save then he was also assaulted by Satyendra Mahto in stomach by knife causing injury. The reason behind the occurrence is that the informant and his family members had objected the petitioners from selling liquor.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that form bare perusal of the allegations as alleged in the FIR, it would manifest that as far as allegation of assault is alleged against the petitioner no.2, the same is general and omnibus in nature as it has been alleged that petitioners had assaulted him when there is only one injury on the injured. Learned counsel next submits that as far as allegation of assaulting the informant is alleged that is not against the petitioner no.2 and the injuries suffered are also simple in nature.



Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no. 2 Mintu Kumar Mahto, in the event of his arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Siwan P.S. Case No. 510 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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