

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20219 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- PANCHRUKHI District- Siwan

UPENDRA MAHTO SON OF JAGARNATH MAHTO R/O- VILLAGE-
JASauli PAKAULI, P.S.- PACHRUKHI DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shrinath Manjhi, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 380, 447, 448, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that on 12.07.2021 when he was constructing his house on his land when all the accused persons including the petitioner came variously armed and started abusing and the petitioner assaulted the informant with *farsa* causing injury on head and he fell down and thereafter the other family members of the informant were also assaulted, as detailed in the FIR.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case, it is next submitted that petitioner and the informant are Gotiyas and on account of land dispute the present occurrence took place, it is next submitted that from perusal of the FIR itself it would manifest that occurrence took place on account of land dispute. The learned counsel next submits that on account of assault by the petitioner the informant suffered injury on his head and from perusal of the impugned order it would manifest that the same was grievous but then the blow was not repeated.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits no doubt that blow was not repeated but then the injury is grievous and is on vital part of the body, as such the petitioner while assaulting exceeded the force of assault.

Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner is thus rejected.

(Satyavrat Verma, J)

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