

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32974 of 2022

Arising Out of PS. Case No.-213 Year-2021 Thana- LAKHNAUR District- Madhubani

RAJA RAM MAHTO Son of Late Baleshwar Mahto Resident of Village -
Nawada Chandra Deep, P.S. - Lakhnaur, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2022 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 341, 323,
324, 354(B), 448, 427, 504/34 and 307 of the Indian Penal
Code.

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

The informant alleges that on 16.11.2021 at about
07:30 p.m. Prahlad Kumar and Rajaram Mahto attempted to
molest her while she was returning to home after attending the
call of nature. Thereafter, accused persons including the
petitioner and Prahlad Kumar misbehaved with her, Hareram



Mahto dragged her and made her naked. Further, Hareram Mahto and Rajaram Mahto assaulted her husband by dagger causing injury on his head.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that the informant is cousin sister-in-law of the petitioner but this fact has not been disclosed in the FIR which further creates doubt with regard to the veracity of the allegation, as the allegation gives an impression that some accused were trying to molest and outrage the modesty of the informant when informant is own cousin sister-in-law of the petitioner, as such, it does not appear probable that petitioner would have indulged in an act as alleged. Learned counsel next submits that the date of occurrence is 16.11.2021 but the FIR came to be instituted on 26.11.2021 i.e. after a delay of ten days of the occurrence and that too without any plausible explanation. It is also submitted that though the allegation is of assault by dagger on the head of the husband of the informant but then learned counsel draws the attention of the Court to the FIR to submit that the same is based on a written application and was not recorded in the hospital i.e. if her husband was assaulted by dagger then definitely he would have been



admitted in a hospital, this also creates doubt as to whether the occurrence as alleged ever took place or not.

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 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 Lakhnaur P.S. Case No. 213 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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