

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36635 of 2022

Arising Out of PS. Case No.-268 Year-2021 Thana- MADHUBAN District- East Champaran

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ASHOK MAHTO S/O RAJENDRA MAHTO Resident of village- Ghosaul,
P.S.- Sikaipatti, District- Muzaffarpur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mrs. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 342, 323, 324, 307 & 504/34 of the Indian Penal Code.

The petitioner in association of other co-accused is said to have surrounded the informant, abused him and gave several knife blows on the head of the informant causing cut injury and bleeding. The reason behind the occurrence is said to be dispute regarding money transaction.



It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case at the instance of enemies. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of three months and 14 days in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case as well as the fact that there is delay in lodging the F.I.R., let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Madhuban P.S. Case No. 268 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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