

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45492 of 2022

Arising Out of PS. Case No.-93 Year-2022 Thana- PANCHRUKHI District- Siwan

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Brijesh Kumar Mahato @ Brijesh Kumar @ Brajesh Mahto Son Of
Rajmangal Mahato R/O Village- Chaumukha, P.S.- Panchrukhi, District-
Siwan, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-12-2022 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, 379, 307,
504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that when he protested construction of dam on his land, the
petitioner and Deepak caught him from behind and Rajesh
assaulted him with a spade causing injury on head and Deepak
snatched his chain, thereafter it is alleged that occurrence took
place at the instance of *Mukhiya*, it is also alleged that in the
occurrence, five unknown men and three women were also
involved.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that no specific allegation of assault is alleged against the petitioner rather the specific allegation of assault is against Rajesh on account of which the informant received grievous injury as would be evident from Annexure-2 to the anticipatory bail application, it is further submitted that petitioner has been very wisely implicated by alleging that he along with Deepak caught the informant from behind.

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 Panchrukhi P.S. Case No. 93 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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