

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60396 of 2021

Arising Out of PS. Case No.-213 Year-2020 Thana- DEEPNAGAR District- Nalanda

SHASHINANDAN MAHTO Son of Kamlesh Mahto Resident of Village -
Gulani, P.S.- Deepnagar, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

Learned counsel for the petitioner submits that though
in the first paragraph of the petition, ***“Deepnagar P.S. Case No.
213 of 2020”*** has rightly been mentioned but inadvertently, in
the prayer portion, of the petition, ***“Nagar P.S. Case No. 213 of
2020”*** has wrongly been mentioned.

Accordingly, counsel for the petitioner is permitted to
make necessary correction in the prayer portion of the main
petition.

The petitioner is apprehending his arrest in a case



registered under Sections 341, 376, 511, 34, 323, 324, 354 of the Indian Penal Code and 27 of the Arms Act.

Allegation against the accused persons including the petitioner is of trying to commit rape upon the informant. The informant was said to have been assaulted also.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. From perusal of order of the Sessions Court, it appears that in course of trial of other co-accused in connection with the same case, the victim has not supported the prosecution case and she has retracted from her earlier statement.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of learned Chief



Judicial Magistrate, Nalanda in connection with Deep Nagar
P.S. Case No. 213 of 2020 subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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