

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10705 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- KANHAULI District- Sitamarhi

UPENDRA MAHTO @ UPENDRA KUMAR Son of Nand Lal Mahto
(Wrongly mentioned in the FIR as Baldeo Mahto) Resident of Village- Marpa
Kachor, P.S.- Kanhauli, Distt- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prasoon Sinha, Advocate
Mr. Prabhat Kumar, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore (App100)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-01-2022 Heard Mr. Prasoon Sinha, learned Advocate for
the petitioner and Mr. Kanhaiya Kishore, learned APP for
the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Kanhauli P.S. Case No. 15 of
2020 dated 05.02.2020 instituted for the offences under
Sections 341, 323, 354, 307, 448 and 506/34 of the
Indian Penal Code.

The accusation in the FIR is that when one
Indal Mahto had attempted to rape the daughter-in-law
of the informant, he made a protest but was later
assaulted by the accused persons including the
petitioner. The petitioner is said to have given a garasa
blow on his head and is also said to have assaulted the



mother of the informant *viz.* Marachchiya Devi.

The learned Counsel for the petitioner has submitted that the accusation is absolutely false. From the statement of the daughter-in-law of the informant, it would appear that there is a long standing enmity between the family of the informant and aforesaid Indal Mahto. The accusation in the FIR that Indal Mahto had attempted to rape the daughter-in-law of the informant has not been borne out by the statement made by the daughter-in-law herself.

Apart from this, it has been submitted that there is a counter version of the occurrence, lodged by the wife of aforesaid Indal Mahto. The petitioner is not at all concerned with Indal Mahto; rather he is one of the agantes of the informant, who is peeved with him because of the petitioner showing sympathies with Indal Mahto.

The petitioner is said to have assaulted the informant and his mother. The injury caused by the petitioner to the informant is simple in nature. The mother of the petitioner has received three injuries, out of which one is reported to be grievous but that is in the nature of swelling on her head.

Considering the afore-noted circumstances of the case, the petitioner is directed to be released on bail,



in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Kanhauli P.S. Case No. 15 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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