

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49408 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- KORMA District- Sheikhpura

SUNIL MAHTO SON OF RAMOTAR MAHTO RESIDENT OF VILLAGE
- BELAUNI, P.S. - KORMA, DISTRICT - SHEIKHPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Ramakant Akela, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
325, 354(B) and 379/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases.

4. The informant alleges that accused persons
including the petitioner assaulted him and petitioner also
assaulted the female members of his house and made Aasha
Devi semi-naked and snatched her chain but fled away when the
villagers gathered and the injured were taken to the Sadar
Hospital.

5. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case. It is



further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation of assault is general and omnibus in nature, no specific allegation of assault is alleged but then ornamental allegation is alleged against the petitioner that he assaulted the female members of the family of the informant and snatched the chain of Aasha Devi and also made her semi-naked. It is next submitted that the injury suffered by the injured is simple in nature but the informant has suffered grievous injury on his shoulder but since the allegation of assault is not specific as such it cannot be alleged with certainty that it was the petitioner who assaulted on account of which the informant received grievous injury.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. 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.20,000/- (Rupees Twenty 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 Korma P.S.



Case No. 141 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. One of the bailors of the petitioner shall be his father Ramotar Mahto.

(Satyavrat Verma, J)

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