

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49929 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- CHANPATIA District- West Champaran

HARINATH MAHTO S/O LATE RAMYAD MAHTO Resident of village-
Tikuliya, P.S.- Chanpatiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Umeshanand Pandit,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner submits that a supplementary affidavit has been filed stating that wrongly paragraph 3 was inscribed stating that the petitioner has no criminal antecedent. It has been stated that the petitioner is actually accused in three criminal cases.

Learned counsel for the petitioner is cautioned to take proper instruction before filing the petition.

The petitioner apprehends his arrest in connection with Chanpatiya P.S. Case No. 166 of 2022 for the offence registered under Sections 448, 341, 323, 324, 354, 504, 379, 307 and 34 of the Indian Penal Code.

As per the prosecution story, the informant has



alleged that due to land dispute, the petitioner and the other family members abused them and further allegation against this petitioner is of using '*Gadasi*' on the head causing injury and when his wife came to rescue, the petitioner's son also assaulted her.

Learned counsel for the petitioner has taken this Court's attention to Annexure 2 series which shows that although the allegation of assault is there, the injury of the informant as also his wife has been found to be simple in nature. He however, submits that the informant's being his brother and sister-in-law, on its own would like to provide medical assistance of Rs. 10,000/- each (Rs. 20,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials, irrespective of the outcome of the present petition.

Learned APP for the State, on the other hand, submits that the informant's side has suffered injuries and thus has opposed the prayer.

Taking into account the aforesaid facts that the injuries have been found to be simple in nature and the petitioner is fairly providing medical assistance and ultimately



he has to face the trial, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs. 20,000/-, as stated above

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 166 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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