

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51000 of 2023

Arising Out of PS. Case No.-63 Year-2021 Thana- SALAKHUA District- Saharsa

HITESH MAHTO S/O MANOHAR MAHTO R/O VILLAGE- CHANAN,
PS. SALKHUA, DIST. SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-11-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Salkhua (Chiraiya O.P.) P.S. Case No. 63 of 2021 registered under Sections 147, 148, 149, 341, 323, 385, 302 of the Indian Penal Code 1860 and Section 27 of the Arms Act 1959.

3. As per the First Information Report the petitioner is the main assailant having fired when the informant along with his tractor driver were ploughing the land, bullet fired by the petitioner hit the tractor driver in the chest and subsequently he died.

4. Mr. Viveka Nand Singh, learned counsel appearing for the petitioner submits that there is land dispute between the petitioner and others. The land in question belongs to petitioner.



Section 144 Cr.P.C. proceeding was initiated at the instance of the Police and the learned Magistrate has initiated proceeding on the subject land. Learned counsel next submits that there was no intention on the part of the petitioner to kill the tractor driver of the informant and firing was made in exercise of right of private defence of his property. Learned counsel referring to paragraph nos. 136, 137 & 138 of the case diary submits that there was previous land dispute between the parties.

5. Regard being had to the submission made by the parties, taking into consideration the fact that petitioner is the main assailant, the gravity of offence and further the fact that this Court is not holding mini trial at this stage, as such, I am not inclined to grant anticipatory bail to the petitioner. The prayer for grant of anticipatory bail is rejected.

(Anil Kumar Sinha, J)

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