

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52615 of 2023

Arising Out of PS. Case No.-247 Year-2022 Thana- BALIYA District- Begusarai

BOCHAN MAHTO Son of Late Banarsi Mahto Resident of village -
Kamalpur, P.S. - Ballia, Distt. - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard Mr. Arun, learned counsel appearing on behalf
of the petitioner and Ms. Asha Devi, learned A.P.P. for the State.

2. The petitioner apprehend his arrest in connection with Baliya P.S. Case No. 247 of 2022, dated 07.09.2022, registered under Sections 147, 148, 149, 341, 323, 342, 307, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

3. The prosecution case, in brief, is that informant Manoj Kumar got recorded his fardbeyan at Kalpana Nursing Home alleging therein interalia that on 31.08.2022 he had gone to see his field where he saw the petitioner, co-accused persons along with 4-5 unknown persons were harvesting his maize crops armed with weapons. When he protested then all the accused persons assaulted him with butt of the pistol and rifle. It is further alleged that the petitioner fired upon the informant



causing injury in his head. All the accused persons fled away making fire considering him dead. The villagers took him to hospital for treatment.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in the present case and the injury report, which has been brought, on which basis the F.I.R. has been lodged after seven days of the incident, which has taken place on 31.08.2022. The allegation is that the petitioner has brutally assaulted the informant with firearm, which caused head injury and for which the informant was treated at a private hospital. The treatment report of the private hospital and the opinion of the Doctor reveals that no specific observation has been made in his injury report and injury has been caused on any vital part of the head, rather vague opinion has been given that the injury has been grievous in nature. The petitioner is having clean antecedent and there is admitted land dispute between the parties.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties as well as the facts that the injury report relating to treatment of the informant has been brought by the



petitioner by way of Annexure-2 to the present bail application. From the opinion of the Doctor I find that the vague opinion has been given and the Doctor has opined that the injury is grievous in nature in absence of any supportive evidence, taking into consideration that there is admitted land dispute between the parties, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Balia P.S. Case No. 247 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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