

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51075 of 2023

Arising Out of PS. Case No.-738 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

1. Pawan Kumar Mahto, aged about 45 years, Male, S/o Late Bhola Mahto.
2. Kishan Kumar, aged about 22 years, Male, S/o Pawan Kumar Mahto.
3. Suman Kumar, aged about 20 years, Male, S/o Pawan Kumar Mahto.
All R/O Village- Belwaganj, P.S- Laheria Sarai, Distt.- Darbhanga.
... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Gaurav Kumar, Advocate
For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Laheriasarai P.S. Case No. 738 of 2022 dated 25.12.2022,
instituted for the offence punishable under Sections 147, 149,
448, 341, 323, 337, 307, 379, 504 & 506 of the Indian Penal
Code.

3. The prosecution case, in short, is that on
22.12.2022, at about 03:30 pm, all three petitioners along with
other accused persons came to room of the informant and started
abusing him due to some property dispute between them. It is
further alleged that they assaulted the informant with iron rod
and brick due to which, he received grievous injury. Further, it is



alleged that at 10:30 pm, when the informant's younger brother returned home after visiting the informant in the hospital, petitioner no. 3 hit him on head with iron rod. It is also alleged that petitioners have snatched gold chains from both the victims.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. The entire allegations levelled against the petitioners are false and concocted. It is further submitted that there is a case and counter case between the parties and petitioner no. 2 has lodged the F.I.R. against the informant and others bearing Laheriasarai P.S. Case No. 739 of 2022 dated 25.12.2022. The injury report shows that the nature of injury is simple in nature and F.I.R. has been lodged after three days of occurrence without giving any explanation. Lastly, it has been submitted that they have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Laheriasarai P.S. Case No. 738 of 2022, they shall be released on anticipatory bail



upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Darbhanga, subject to conditions as laid down under Section 438(2) of the Criminal Procedure Code.

(Khatim Reza, J)

Gaurav Kumar/-

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