

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56012 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- PHENHARA District- East Champaran

VIKASH MAHATO @ VIKASH MAHTO S/o Rambhu Mahto R/V-
Madhurapur, P.S.- Phenhara, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Renu Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner undertakes to remove the defect (s), as pointed out by the office, within a period of four weeks.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 341, 323, 324, 354(B), 379, 504, 34 of the Indian Penal Code.

Allegedly, petitioner along with other accused persons abused and assaulted the informant with iron rod and *garasa*.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politics. The



allegation levelled against the petitioner is not specific rather general and omnibus in nature. Both the parties are neighbors and there is dispute over construction of house. He further submits that the father of the petitioner namely Rambhu Mahto has lodged a case against the prosecution party. The occurrence took place on 20.08.2021 but the FIR was lodged on 19.09.2021. There is inordinate and abnormal delay of more than 25 days in filing the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail by submitting that the injury sustained by the victim is grievous in nature.

Having regard to the facts and circumstances of the case, though the injury is grievous in nature but there is inordinate delay in lodging the FIR, 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 six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Phenhara P.S. Case
No. 124 of 2021, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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