

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55704 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- LAKHNAUR District- Madhubani

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RAMCHANDRA MAHTO S/O LATE RAUDI MAHTO Resident of Village-
Ward No.- 7, Laufa, P.S.- Lakhnaur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Lakhnaur P.S. Case No. 157 of 2021 under sections 341,
323, 325, 354, 379, 504 and 448 of the Indian Penal Code.

As per the FIR, the allegation is that due to rain
water coming in the house, the petitioner firstly used abusive
language and later gave iron rod blow to her causing fracture in
her shoulder, making her unconscious. Further allegation is of
outraging her modesty and taking away Rs. 1,25,000/-.
Accordingly, the FIR.

Learned counsel for the petitioner submits that



there is delay of 11 days and as per instructions given to him by the petitioner, contrary to the allegation made in the FIR, there is no such injury on her shoulder.

It is his further submission that the learned Sessions Judge has wrongly observed the same on the basis of FIR that there is fracture in the shoulder. The last submission is that he do not have any criminal antecedent.

The learned APP on the other hand opposes the prayer stating that the allegation has come that he fractured her shoulder.

In view of the fact that the petitioner do not have criminal antecedent, although there has been allegation of injury on the shoulder of the informant, it is the categorical submission by the learned counsel for the petitioner that there is no such injury on her shoulder and it has been wrongly alleged (which has been observed by the learned Sessions Judge), this Court accepting the petitioner's version, is allowing him the privilege of anticipatory bail.

If however, it is found that there had been wrong submission and the lady had really suffered fracture on her shoulder, the order shall become infructuous.

Let the petitioner be released on bail, in the event



of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-1st, Jhanjharpur, Madhubani, in connection with Lakhnaur P.S. Case No. 157 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions:

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(ii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance.

(Rajiv Roy, J)

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