

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61504 of 2023

Arising Out of PS. Case No.-162 Year-2022 Thana- SIMRA District- West Champaran

CHANDRA KISHORE MAHATO S/O LATE SITABI MAHATO R/O
VILLAGE- NAUTANWA, PS. SEMRA, DIST. WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Adv.

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 11-10-2023 1. Heard the learned counsel for the petitioner and learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with Semra P.S. Case No.162 of 2022, registered for offences under Sections 341, 323, 307, 447, 354, 379, 504 and 34 of the Indian Penal Code.
3. The allegation is regarding the petitioner having assaulted the informant, while the co-accused persons, namely, Kunti Devi and Rajesh Mahato, had caught hold of her on the alleged date and time of occurrence, due to pre-existing land dispute among the parties, resulting in the informant sustaining injuries.



4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the present case arises out of case and counter case and the incident in question had taken place on account of pre-existing land dispute in between the parties. It is also submitted that the injury report of the informant, annexed as Annexure P/3, at page no.36 of the present petition, would show that the injuries sustained by the informant have been found to be simple in nature, hence a sympathetic view be taken and the petitioner be granted the privilege of anticipatory bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the injuries sustained by the informant, attributable



to the petitioner herein, have been found to be simple in nature, apart from the fact that the present case arises out of case and counter case and the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bagaha, West Champaran, in connection with Semra P.S. Case No.162 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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