

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61618 of 2023

Arising Out of PS. Case No.-204 Year-2022 Thana- WARISNAGAR District- Samastipur

Pankaj Mahto, Son Of Ram Narayan Mahto, Resident Of Village- Matua, Ps-
Warisnagar, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Warisnagar P.S. Case No. 204 of 2022, registered on 15.06.2022 for the offences under Sections 143, 148, 149, 341, 342, 323, 324, 307, 385, 427, 379, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, petitioner armed with sharp weapon and other co-accused persons, who were variously armed, came to the house of the informant and demanded Rs. 1,00,000/- as extortion money. On refusal of the informant, they assaulted him with slaps, fists and *lathi*. When one Manish Mahto tried to save the informant with the help of other persons, the petitioner assaulted said Manish



Mahto with sharp weapon causing injury on his head. The assailants also damaged the motorcycle and looted gold and silver ornaments from the house of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against a number of co-accused persons. There is case and counter case between the parties and the present case is counter blast of Warisnagar P.S. Case No. 218 of 2022 filed by one Vikash Kumar against the informant and his associates under Section 307 and other allied Sections of IPC. The petitioner and the informant are next door neighbours. Both the parties received injuries and there could be no application of Section 307 of IPC in this case. The injury of Manish Mahto is found to be simple in nature and there is no repetition of blow. Rest of the offences have been incorporated to make the case serious. Learned counsel further submits that the petitioner is a student and his career would be ruined, if he is arrested and lodged in jail. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that there is specific allegation against the



petitioner that he assaulted one Manish Mahto with sharp weapon and there is corresponding injury on occipital region of 4cm x ½cm and scalp deep caused by sharp cutting weapon, though it is said to be simple in nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the simple nature of injury without any repetition coupled with clean antecedent of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-2nd Class, Samastipur/court concerned in connection with Warisnagar P.S. Case No. 204 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each



and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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