

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66523 of 2022

Arising Out of PS. Case No.-217 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Gopal Mahto, Son of Rajeshwar Mahto, R/v- Ibrahimpur Panchayat Sihya
Ward No. 13, P.S.- Khodawanpur (Chhorahi O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner is apprehending his arrest in connection with Khodawandpur (Chhaurahi O.P.) P.S. Case No. 217 of 2022 registered for the alleged offence under Sections 448, 147, 323, 354(B), 379, 504 and 506 of the Indian Penal Code.

As per prosecution case, petitioner and other co-accused persons entered into the house of the informant and started looting it. When the informant opposed, on order of his father, the petitioner pulled the *saree* of the informant and put her down and put vermilion in her forehead. When her family members tried to rescue her, they were also assaulted.

Learned counsel for the petitioner submits that the



allegation against the petitioner is false concocted and baseless. Petitioner is co-sharer with the informant who is the aunt of the petitioner. There is previous land dispute between the parties. During pendency of the bail petition, co-accused Ranjeet Mahto and Maheshwar Mahto have been granted anticipatory bail by the learned Sessions Court. Learned counsel further submits that during investigation police did not find any material against father of the petitioner who is said to be order giver. Learned counsel further submits that considering the relationship of the parties the prosecution story is not believable.

Learned A.P.P. for the State as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that nothing has come on record about land dispute between the parties and there is specific allegation against the petitioner that he put down the informant and tried to outrage her modesty.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the possibility of false implication, 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. 25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Manjhaul, Begusarai/concerned court in connection with Khodawandpur (Chhaurahi O.P.) P.S. Case No. 217 of 2022, subject to the condition 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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