

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70346 of 2022

Arising Out of PS. Case No.-265 Year-2022 Thana- WARISNAGAR District- Samastipur

1. NAVEEN MAHATO @ NAVEEN MAHTO Son of Ram Shital Mahato @ Ramashital Mahto Resident of village - Daulatpur, P.S. - Warisnagar (Mathurapur) O.P., District - Samastipur.
2. Deepak Mahato @ Deepak Mahto @ Dipak Kumar Mahto Son of Ram Shital Mahato @ Ramashital Mahto Resident of village - Daulatpur, P.S. - Warisnagar (Mathurapur) O.P., District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Adv.
For the Opposite Party/s : Mr.Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-03-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 147, 447, 307, 323, 324, 379, 354, 506, 504 of the Indian Penal Code.

Allegedly, petitioners, along with other accused persons, came to the informant armed with weapons and started abusing him. Petitioner no.1 is said to have assaulted the informant with a sword whereas petitioner no. 2 is said to have given an iron rod blow on his leg.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence.



No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. Both the parties are full brothers. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. Though the allegation against the petitioner no.2 that he assaulted the informant with an iron rod, but as per the injury report, the injury is found simple in nature. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail and submitted that injury caused by petitioner no.1 is found grievous in nature. Hence, he does not deserve anticipatory bail.

Having regard to the facts and circumstances of the case, as the injury caused by petitioner no.2 is simple in nature, let petitioner no.2, 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 lower Court where the case is pending/successor Court in connection with Warisnagar (Mathurapur O.P.) P.S. Case No. 265 of 2022, subject to the condition as laid down under Section 438 (2) of



the Cr.P.C.

As there is specific allegation against petitioner no.1 that he assaulted the informant by means of sword due to which he sustained grievous injury, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for bail of the petitioner no.1 is hereby rejected.

Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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