

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67838 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- SARAI RANJAN District- Samastipur

CHANDESHWAR MAHTO @ SURESH KUMAR MAHTO Son of Late
Nanhki Mahto R/v- Bhagwatpur, P.S.- Sarairanjan District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy, Adv.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 341, 323, 354(B), 307, 447,
504/34 of the IPC.

Allegedly, at the first instance, petitioner tried to
misbehave with the daughter-in-law of the informant and when
informant's son came, petitioner fled away. Thereafter,
petitioner and others again came there and petitioner assaulted
the informant with iron rod.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to grudge. No such
occurrence, in the manner as alleged, has ever taken place.



Though there is allegation that petitioner assaulted the informant with iron rod but the injury is found to be simple in nature. It is further submitted that the occurrence took place on 05.04.2022 but F.I.R. was lodged on 10.04.2022 i.e. after delay of 5 days without giving any plausible explanation, which itself creates doubt about the prosecution case. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the delay in lodging the F.I.R., let the above named petitioner, 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 court below where the case is pending/Successor Court in connection with Sarairanjan P.S. Case No.78 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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