

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74381 of 2023**

Arising Out of PS. Case No.-243 Year-2021 Thana- BARAULI District- Gopalganj

Rajan Kumar @ Rajan Mahto, aged about 27 years, Male, son of Shankar Mahto, Resident village- Madhopur, P.S.- Barauli (Madhopur O.P.), Dist-Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Varma, Advocate
For the Opposite Party : Mr. Gauri Shankar Gupta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 07-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Barauli (Madhopur O.P.) P.S. Case No. 243 of 2021 dated 23.08.2021 registered for the offence punishable under Sections 341, 323, 324, 307, 504 and 379 /34 of the I.P.C.

3. As per the prosecution case, due to quarrel over the issue of the cock, excreting at the informant's door, the accused persons abused and assaulted the informant. When he protested, the co-accused Shankar Mahto tied the neck of the informant's father with his Gamacha and thrashed him and the petitioner inflicted blow of sword on him causing head injury. The other co-accused persons assaulted the family members of the



informant by means of lathi and snatched away chain from the informant's neck. The petitioner also snatched the phone of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is case and counter case between the parties. The petitioner is agnate and next door neighbour of the informant. It is submitted that on the alleged date and time of occurrence, the informant misbehaved with Maya Devi with ulterior motive and the informant's family members assaulted the petitioner and his family members in which both sides received injuries. Other co-accused persons have been granted bail by the learned court below itself. The petitioner has clean antecedent, as stated in paragraph no. 3 of the bail petition.

7. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner has assaulted the informant's father with sword causing head injury. It has further been submitted by learned A.P.P. for the State that from perusal of the injury report of the informant's father, it appears that the nature of injury was found to be grievous.

8. Considering the aforesaid facts and circumstances



of the case as well as the injury being grievous in nature, I am of the view that no case for grant of anticipatory bail is made out. The petition is disposed of and the petitioner is directed to surrender before the learned court below within a period of eight weeks from the date of receipt/production of a copy of this order and the learned court below shall consider the prayer for regular bail of the petitioner without being prejudiced of the order of this Court in connection with Barauli (Madhopur O.P.) P.S. Case No. 243 of 2021, pending in the court of learned Chief Judicial Magistrate, Gopalganj.

9. Accordingly, the anticipatory bail application of the petitioner stands disposed of.

(Chandra Prakash Singh, J)

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