

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8629 of 2024

Arising Out of PS. Case No.-576 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rama Nand Mahto S/O Basudeo Mahto @ Basudev Mahto @ Vasudeo Mahto
R/O Village- Nagdah, Ward No.-10, P.S- Muffasil (Singhaul Op), Distt.-
Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sandip Kumar Gautam, Adv.
For the informant	:	Mr. Raj Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr.Ganesh Prasad Singh, APP

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

ORAL ORDER

2 07-03-2024 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Muffasil P.S. Case No. 576 of 2023 dated
03.10.2023 registered for the offences punishable u/ss 143, 341,
323, 307, 379, 504, 385 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have come to the shop of the
informant and demanded rupees. On being objected by the
informant, they abused him and the petitioner gave blow of butt
of the pistol on the informant due to which he sustained injury.



The co-accused persons, Harekrishna Mahto and Nandan Kumar assaulted the informant with lathi, fists and slaps. When the informant's brother came to rescue then the co-accused, Anish Kumar gave blow by butt of pistol due to which he sustained injury and the co-accused persons, Nandan Kumar and Sitaram Mahto also assaulted him. The co-accused, Raja Kumar snatched Rs. 1,25,000/- and the co-accused, Harekrishna Mahto snatched Rs. 5000/- from the pocket of the informant and the co-accused, Kundan Kumar snatched gold chain.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 26.09.2023 but the F.I.R. was lodged on 03.10.2023 and there is no explanation for this delay. There is a case and counter case between the parties. It is further submitted that there is land dispute between the parties. There is no allegation of assault on the head of the informant against the petitioner who had no intention to kill him. As per injury report of the informant, the informant sustained two injuries out of which the first injury is stated to be grievous in nature while the second injury is simple in nature. It is further submitted that the petitioner has no concern with the alleged recovery. The petitioner has no criminal antecedent as



stated in para 3 of the bail petition.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Begusarai in connection with Muffasil P.S. Case No. 576 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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