

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20161 of 2024

Arising Out of PS. Case No.-49 Year-2020 Thana- MANIHARI District- Katihar

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Agahan Mahto @ Aghan Mahato, Age- 30 Yrs, Male, Son Of Late Hari Mahto Resident Of Village- Kargil Tola, Lal Bathani, P.S.- Manihari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-04-2024 Heard Mr. Sanjeev Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Md. Matloob Rab, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Manihari P.S. Case No. 49 of 2020, registered for the offence punishable under Sections 341, 323, 385, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, petitioner, on refusal by the informant to oblige his demand of providing milk, had assaulted the informant on different parts of the body causing injuries.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case. He further submitted that allegation made in the FIR is ornamental. Petitioner is neighbour and due to enmity, a false case has been lodged against him. Though the injuries are on the different parts of the body but the same, as per the opinion of the doctor, are simple in nature and not on the vital part of the body. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that the injuries are on the different parts of the body but the same, as per the opinion of the doctor, are simple in nature and not on the vital part of the body. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the Court below within a period of four 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 learned C.J.M., Katihar, in connection with Manihari P.S. Case No. 49 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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