

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31369 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- SONBERSHA RAJ District- Saharsa

Jitendra Dev Mahto @ Jitendra Mahto Son of Late Badri Mahto Resident of
Village - Maura Ward No. 7, P.S. - Sonbarsa Raj (Kas Nagar OP), District -
Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-05-2024 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sonbarsa Raj (Kashnagar OP) P.S. Case No. 38 of 2023 registered for the offences punishable under Sections 341, 323, 379, 307, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, there is allegation against petitioner who is said to have assaulted by means of dabiya on the heads of Gyan Mahto, Kundan Mahto, Sachiv Kumar and Shivam Mahto as a result of which all the victims sustained injuries.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that occurrence took place



on 03.03.2023 but the FIR was lodged on 05.03.2023 and there is no reasonable explanation given for delay in lodging the FIR. Learned counsel for the petitioner has mentioned in para 8 of the bail petition that all the injuries are simple in nature.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is direct allegation against the petitioner who is said to have assaulted four persons and the impugned order clearly indicates that there is injury on the head of the victims.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner, I am not inclined to grant privilege of anticipatory bail to petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected.

7. However, the petitioner is directed to surrendered before the concerned Court within a period of two weeks from the date of receipt of the order of this Court and the concerned court may pass an appropriate order on the day of hearing.

(Alok Kumar Pandey, J)

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