

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40459 of 2024

Arising Out of PS. Case No.-285 Year-2023 Thana- BHELDI District- Saran

Chandraket Mahto Son of Ramchandra Mahto Resident of Village - Sirsa Rai,
P.S.- Bheldi, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-07-2024 Heard Mr. Dhananjay Kumar Tiwary, learned
counsel appearing on behalf of the petitioner and Mr.
Mohammed Arif, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bheldi P.S. Case No. 285 of 2023 registered for the offence
punishable under Sections 341, 323, 324, 379, 307, 504, 506
and 34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R, the
informant and the petitioners are of the same family and they
wanted partition, which led to fight between them and both
sides sustained injury in the same incident. It is further alleged
that the petitioner assaulted by means of *Kudal* on the head of
the informant, causing injury to him.

4. Learned counsel appearing on behalf of the



petitioner submitted that injury report has been brought on record by way of Annexure P/2, from which it appears that the injury is attributable to the petitioner causing on the head of the informant by means of *Kudal*, which is simple in nature. The said opinion has been formed on the basis of C.T scan. Petitioner has clean antecedent. There is case and counter case between the parties.

5. Learned APP has vehemently opposed the prayer for pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made in the F.I.R and also considering the fact that both the parties are “agnates” and for the purpose of partition, they indulged into fierce fight and both the parties sustained injury, however, considering the nature of allegation made against the petitioner that he has assaulted the informant by means of *Kudal* causing injury on his head, who was examined by the Doctor and the said Doctor has found that the injury is simple in nature, this Court *prima facie* finds that petitioner has made out a case to be released on pre-arrest bail, the District Court is directed to call for the original injury report, as well as, the C.T. Scan as I find that in Annexure P-2, there are certain over writing in respect of the “Report



number” and the “Nature of injury” and if it is found that no manipulation has been made in the above injury, the petitioner may be released on pre-arrest bail subject to the condition as laid down under Section 438(2) of the Cr.P.C. and also the District Court deems fit and proper.

7. With the above observation/direction, the present bail application stands disposed off.

(Purnendu Singh, J)

ravikr/-

U		T	
---	--	---	--

