

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59596 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- SAUR BAZAR District- Saharsa

Rahul Kumar @ Rahul Mahto Son of Late Lal Bahadur Mahto @ Late Virendra Mahto Resident of Village - Chandaur Purvi Beldari Chandaur, P.S. - Saur Bazar, District - Saharsa, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Saur Bazar P.S. Case No. 274/2023 dated 17.05.2023 registered for the offence punishable u/ss 341, 323, 448, 324, 307, 354A, 427, 379, 504 and 506 read with 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons came to grab the land of the informant and entered the informant's house. On the order of the co-accused, Salita Devi, the petitioner assaulted the informant with dabiya, causing injury. When the informant's wife came to rescue, the accused persons assaulted the informant's wife and tore her



clothes with bad intention. In the meantime, the co-accused persons, Avinda Devi and Sunita Devi snatched *mangalsutra* of the informant's wife. Further, the co-accused, Ganesh Kumar took away box containing ornaments of the informant's wife, Rs. 15,000 and documents of the land and the co-accused, Salita Devi threatened them to kill.

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 04.05.2023 but the FIR was lodged on 17.05.2023 and there is no explanation for this delay. There is general and omnibus allegation against the petitioner. Learned counsel has submitted that there is a land dispute between the parties. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The co-accused persons have already been granted anticipatory bail by this Court vide order dated 23.05.2024 passed in Cr. Misc. No. 32408 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioner and submitted that the specific allegation of assault is against the petitioner. As per Annexure-2, the injury of the informant is grievous in nature which is on vital part of the body i.e. on



parietal region.

6. Considering the aforesaid facts and circumstances of the case as well as the specific allegation against the petitioner and the injury being grievous in nature on the vital part, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below shall consider the prayer of the bail of the petitioner on the same day without being prejudice by this order.

7. This application is rejected.

(Chandra Prakash Singh, J)

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