

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59345 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- RUPO District- Nawada

Akhilesh Mahto aged about 32 years male, Son of Arbi Mahto, Resident of
Village- Bhikhampur, P.S.- Rupao, District- Nawadah

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-09-2024 Heard Mr. Ram Prawesh Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Shyameshwar
Dayal, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Rupao P.S. Case No. 29 of 2024, registered for the offence
punishable under Sections 341, 323, 379, 307, 504, 506 and 34
of the Indian Penal Code.

3. As per the allegation made in the FIR, all the
accused persons named therein including the petitioner, had
assaulted the informant and his family member in course of
dispute relating to land between them.

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
informant is own uncle of the petitioner and there is land



dispute, as has been admitted in the FIR, between the parties. There is case and counter case arising out of the said incidence. As per the opinion of the doctor, injuries sustained by the informant and his family members have been found to be simple in nature. Learned counsel, however, submitted that the doctors at Primary Health Centre had reserved the injury on 21.05.2024 in respect of patient Santosh Matho and final opinion has been given by the doctor on 24.06.2024 leading to assume that the injury report is manufactured one. Learned counsel further submitted that no injury was sustained by the informant side rather, the mother and brother of the petitioner was brutally assaulted by the informant side. 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, however, he is also of the opinion that much delay has been caused on the part of the doctors of Primary Health Centre in furnishing final injury report by reserving the injury for the reason best known to them. He submitted that he will advise the government in this regard to be more vigilant.

6. Having considered the rial submissions made on



behalf of the parties and the nature of allegation made against the petitioner being under Section 307, I find that both the parties had entered into fierce fight, in which, both the parties had assaulted each other. 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 Judicial Magistrate 1st Class, Nawadah, in connection with Rupao P.S. Case No. 29 of 2024, 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)

Niraj/-

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

