

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59786 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- BHANGWANPUR HAT District- Siwan

Vijay Mahto @ Vijay Kr Mahto S/O Late Tuntun Mahto R/O Village-
Marachi, P.S- Bhagwanpur Hat, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 27-02-2024 Heard Mr. Kumari Anupam, learned counsel

appearing on behalf of the petitioner and Mr. Abhay Kumar

Roy, learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Bhagwanpur Hat P.S.Case No.106 of 2023 registered for the
offences punishable under Sections 341, 323, 324, 307, 504 and
506/34 of the Indian Penal Code .

3. As per the allegation made in the FIR, the specific
allegation against the petitioner is of assaulting with *Dabiya* on
the head of the informant with an intention to kill him.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and due to
long standing land dispute between the parties, he has been
roped in a false case on frivolous allegation of assault having



caused by *Dabiya* on the head of the informant, which is falsified by the opinion of the Doctor, wherein he has recorded that the assault has been made by the hard and blunt substance and the injury is simple in nature. The petitioner has clean antecedent. The petitioner's mother has filed two cases against the informant side and the specific statement giving information about the cases having been lodged against the informant's side is stated in paragraph 6 of the bail application. On these grounds, the petitioner seeks to grant anticipatory bail.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, the case diary containing medical report and on examination of the evidences on record, it appears that due to enmity between the parties due to land dispute, some altercation took place, in which the petitioner may have caused some injury to the informant, which may be without intention, the petitioner has clean antecedent, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of learned J.M. Ist Class,
Siwan/concerned court, in connection with Bhagwanpur Hat
P.S.Case No.106/2023, subject to conditions as laid down under
Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal
antecedent of the petitioner and if it is found that the petitioner
is involved in some other cases as what has been stated in
paragraph No.3 of the bail application, this order will
automatically lose its force.

(Purnendu Singh, J)

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