

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73768 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- DARAUNDA District- Siwan

Shivnath Mahto @ Shiwnath Chauhan Son of Late Ramtahal Mahto Resident
of village -Mahachaur Police station -Daraunda District -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Daraunda P.S. Case No. 48/2024 dated 03.03.2024 registered for the offence punishable u/ss 341, 323, 324, 307, 504 and 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have assaulted on the head of Shahrukh Ansari (nephew of the informant) with lathi as a result of which he fell down and sustained head injury and went into coma.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case due to dispute between his son and the nephew of the informant. There is case and counter case between the party. The



petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioner by submitting that the specific allegation of repeated assault on the head of Shahrukh Ansari with iron rod is against the petitioner. As per the injury report, Shahrukh Ansari sustained tenderness and swelling in the skull and ENT bleeding which is grievous in nature caused by hard and blunt substance.

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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