

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79361 of 2023

Arising Out of PS. Case No.-476 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Satendra Mahto @ Styendra Mahto @ Sakindar Mahato son of Jagdish Mahto Village- Chhatauna Ps- Samastipur Muffasil Dist- Samastipur
 2. Amar Kumar Mahto @ Amar Mahto son of Satyendra Mahto @ Satendra Mahto Village- Chhatauna Ps- Samastipur Muffasil Dist- samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Samastipur Muffasil P.S. Case No. 476 of 2022 registered for the offences punishable under Sections 341, 323, 324, 326, 307, 379/34 and 120 B of the Indian Penal Code.

3. The allegation against the petitioners is to snatch mobile phone and cash of Rs. 1,20,000/- from the informant, where during the course of occurrence his penis was also cut by one of the co-accused, where occurrence arises out of local



disputes and differences.

4. Learned counsel appearing on behalf of the petitioners submitted that allegation against petitioner no. 1 is of snatching mobile phone, which is appearing is very much general and omnibus. It is submitted that there is no description of mobile phone available, in support of the allegation and as such allegation on its face is only to implicate petitioner no. 1, who is father of petitioner no. 2, against whom thrust of allegation as to cut the penis of informant is available. It is also submitted that informant is differently abled person and injury might be received out of accident. While concluding the argument it is submitted that petitioners are of clean antecedent.

5. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer for bail submitted that specific allegation as to cut penis is available against petitioner no. 2 namely Amar Kumar Mahto. It is also submitted that injury report also appears in corroboration with allegation, where informant went upto Delhi for his treatment.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact, as allegation against petitioner no. 1 namely Satendra Mahto is appearing



ornamental as to implicate him being father of petitioner no. 2 against whom thrust of allegation is available, accordingly the petitioner no. 1 namely Satendra Mahto, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Judge V-cum-Additional Chief Judicial Magistrate-II, Samastipur/concerned Court where the case is pending in connection with Muffasil P.S. Case No. 476 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. In view of the facts and circumstances as mentioned above as petitioner no. 2 namely Amar Kumar Mahto alleged to assault specifically, cutting penis of injured/informant by using blade during the course of occurrence, which is duly corroborated with the injury report, the prayer of anticipatory bail of the petitioner no. 2 is rejected herewith.

(Chandra Shekhar Jha, J.)

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