

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86601 of 2024

Arising Out of PS. Case No.-394 Year-2024 Thana- UDWANTNAGAR District- Bhojpur

Mukesh Mahto Son of Fatingan Mahto @ Late Fatigan Mahto Resident of
Village- Dakshin Ekauna (South Ekauna), P.S.- Udwant Nagar, District-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-12-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 351(2), 352, 74, 109 & 3(5) of the Indian Penal Code.

3. As per the prosecution case, the petitioner is said to have assaulted the informant by means of iron rod.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is delay of 11 days in filing the F.I.R. without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. He submits that both the



parties are *gotiya* and there is case and counter case between the parties. He further submits that, from bare perusal of the F.I.R., it appears that the informant has not performed an x-ray, despite the fact that the Doctor recommended, which amply demonstrates that the informant has not sustained any serious injury. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 the learned Court below where the case is pending/successor Court in connection with Udwanthnagar P.S. Case No. 394 of 2024, subject to the condition as laid down under Section 482 (2) of the B.N.S.S.

(Anjani Kumar Sharan, J)

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