

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22654 of 2025

Arising Out of PS. Case No.-530 Year-2024 Thana- CHAPRA TOWN District- Saran

Gautam Mahto S/o Sadhu Mahto R/o Ward No. 28, Mali Tola, Sahebganj,
P.S.- Town, Distt.- Saran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhijeet Abhigyan, Adv
	:	Mr. Gaurav Kumar, Adv
For the Opposite Party/s	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-04-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Chapra Town

P.S. Case No. 530 of 2024 registered for the offences

punishable under Sections 191(1), 126(2), 115(2), 109,

352, 303(2) and 324(4) of the BNS.

3. The allegation against the petitioner is to

assault staff of the informant along with other named and

unknown co-accused persons, when they visited hospital of

informant for treatment of one Golu Kumar.



4. Learned counsel appearing on behalf of the petitioner submitted that some altercations took place when informant being doctor refused to hospitalize the relative of petitioner namely Golu Kumar, who was serious out of poison consumption. It is submitted that aforesaid altercations took place with the staff of hospital, where both parties received injuries. It is pointed out that this petitioner also received injury on his head (injury report annexed as annexure no. 2). It is pointed out that it is a case of stone pelting, where one staff of informant received injury alleged to be caused by this petitioner. It is submitted that allegation of physical assault not appears specific against this petitioner, where only one injury appears grievous in nature on the hospital staff Md. Javed Alam on hand i.e., non-vital part of the body. It is further pointed out that nature of accusations and also weapons used during the occurrence, it can be safely gathered that petitioner was not under intention to cause death of injured. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court in the case of **Jage Ram and Others Vs. State of Haryana**



(2015 SCC OnLine SC 69). While concluding the argument learned counsel submitted that petitioner found involved in four more cases mainly of excise nature, where he is on bail in all cases.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of aforesaid facts and circumstances and also by taking note of the fact as nature of allegation *qua* physical assault which is free fight in nature and also as nature of injury as received by the staff of informant, which appears non-convincing prima-facie to suggest that petitioner was under intention to cause death of injured, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Trial Court within a period of four weeks of this order, 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 Chief Judicial Magistrate, Saran at Chapra/concerned Trial Court where the case is pending in connection with Chapra Town P.S. Case No. 530 of 2024



subject to the conditions as laid down under Section 482(2) of
the BNSS with further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

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(Chandra Shekhar Jha, J.)

