

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66319 of 2024**

Arising Out of PS. Case No.-112 Year-2023 Thana- RAGHOPUR District- Vaishali

Horil Mahto S/O Bhola Mahto R/O Village- Rustampur, Panrasiya Tola, P.S-
Raghopur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Adv. Mr. Ajay Kumar Sinha, Adv. Mr. Vivek Kumar Pandey, Adv.
For the Informant	:	Mr. Vijay Krishna Tiwary, Adv. Mr. Lalitesh Mani, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 05-03-2025 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Raghopur (Rustampur O.P.) P.S. Case No. 112 of 2023 registered for the offences punishable under Sections 341, 323, 307, 302/34 of the Indian Penal Code.

3. The allegation against petitioner is to assault informant and other by means of *lathi* and iron rod causing head and bodily injuries having intention to cause their death, where during the occurrence the husband of



the informant died due to injury received on his head. The occurrence is alleged to be arising out of land disputes between the parties.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the occurrence was free fight in nature where both the parties received injuries negating intention to cause death on its face where the petitioner's side also lodged a counter case which has been lodged as Complaint Case No. 1671 of 2023 before learned CJM, Vaishali at Hajipur. It is also submitted that the deceased was assaulted by other co-accused persons also and in that view the allegation *qua* physical assault appears general and omnibus against this petitioner.

5. Learned APP duly assisted by learned counsel for the informant Mr. Vijay Krishna Tiwary, while opposing the prayer of bail submitted that petitioner is facing specific allegation *qua* physical assault, as assault alleged to be caused by him on the head of the husband of the informant, which proved fatal. It is pointed out that



informant is injured eye witness of the occurrence. It is also pointed out by the learned counsel for the informant that the manner of assault *qua* petitioner appears fully corroborating with autopsy report of the deceased and claimed counter case was filed after one and half month of the present occurrence.

6. In view of the aforesaid factual submissions and by taking note of fact as specific allegations *qua* fatal physical assault on the head of the husband of the informant appears available against this petitioner, which appears *prima-facie* also corroborating with the autopsy report of the deceased, accordingly, the anticipatory bail of the above-named petitioner stands **rejected**.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

