

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80629 of 2024

Arising Out of PS. Case No.-202 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Arun Mahto @ Arun Kumar Mahto Son of Janardan Mahto R/O Vill.-
Khoksaha, P.O.- Bambaiya Harlal Ward no. 5, P.S.- Dalsinghsarai, Dist.-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 14-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Dalsinghsarai P.S. Case No. 202 of 2023, registered on 01.05.2023 for the offences under Sections 143, 323, 341, 354B, 307, 325, 379, 504 and 506 of the Indian Penal Code.

03. As per prosecution case, the petitioner and other co-accused persons, who were armed with *lathi*, *danda*, spear, javelin, spade, iron rod etc., assaulted the informant and her husband causing injuries to them. Further allegation against the petitioner is that of threatening the son of the informant by showing pistol.



04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The present case is counter blast of Dalsinghsarai P.S. Case No. 199 of 2023 lodged on 28.04.2023 against the informant and others by the co-accused Saket Mahto. To save their skin, the informant side has lodged the present case and it is very much clear from the date of lodging of the FIR, as for the occurrence of 28.04.2023, the FIR was lodged on 01.05.2023 without any satisfactory explanation. Learned counsel further submits that both the parties are agnates and admittedly there is land dispute between them. The injury reports show simple injuries caused by hard and blunt object which falsifies the prosecution case for use of spear, javelin, spade etc. which are sharp and pointed edge weapons. The petitioners have got no criminal antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the background of land dispute and the case and counter case between the parties and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender



before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Dalsinghsarai, Samastipur/concerned court in connection with Dalsinghsarai P.S. Case No. 202 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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