

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.53968 of 2017**

Arising Out of PS.Case No. -33 Year- 2016 Thana -CHAKAMHESI District- SAMASTIPUR

- =====
1. Bikash Kumar @ Vikash Kumar, son of Chandrakant Prasad alias Chunnu alias Chandrakant Mahto
  2. Kamlesh Kumar, son of Ram Udgar Mahto
- Both residents of village-Somnaha Chaksima, P.S.-Chakmehshi, District-Samastipur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv.

For the Opposite Party/s : Mr. S. Ehteshamuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      09-11-2017                      Heard learned counsel for the petitioners and learned APP for the State.

Petitioners are seeking anticipatory bail in connection with Chakmehsi P.S. Case No.33 of 2016 registered for offences punishable under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that in the First Information Report there is an allegation that the petitioner no.1 had given a farsa blow which caused injury to the informant, but in the injury report no injury by farsa seems to have been caused. The only injury found vide Annexure-3 is said to have been caused by hard blunt substance which is simple in



nature. So far as petitioner no.2 is concerned, although there is an allegation of firing with country made pistol, but this allegation is palpably false and baseless as neither any injury has been caused by firing nor any such fire-arm was recovered from the possession of this petitioner. No case under Arms Act is even lodged.

Learned counsel further shows Annexure-2 to demonstrate that in fact the informant had indulged in assaulting the petitioners because father of petitioner no.1 had lodged Chakmehsi P.S. Case No.32 of 2016. It is submitted that the informant is an accused in C.R.No.2028/13 and 2240 which is pending in the court of learned C.J.M., Samastipur and the informant came to the house of the petitioners on 24.03.2016 and committed the alleged offence as per Annexure-2.

On the other hand, learned APP for the State opposed the prayer for bail.

However, Considering the facts and circumstances in case of arrest or surrender of the petitioners within a period of four weeks from today, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1<sup>st</sup>, Samastipur in connection with Chakmehsi P.S.



Case No.33 of 2016, subject to the conditions as laid down under  
Section 438(2) Cr.P.C.

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**(Rajeev Ranjan Prasad, J)**

Arvind/-

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