

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46827 of 2017

Arising Out of PS.Case No. -117 Year- 2017 Thana -JAHANABAD District- JEHANABAD

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1. DEEPAK PRASAD @ DEEPAK KUMAR, Son of Ram Babu Mahto,
Resdient of Village- Nonhi Math, P.S.- Kako, Dist- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kulanand Jha

For the Opposite Party/s : Mr. Sri Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-01-2018 The reply to the show cause submitted by the learned
A.C.J.M, Jehanabad is accepted.

Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Jehanabad P.S. Case No. 117 of 2017 registered
for the offence punishable under Sections 341, 323, 324, 307 and
325/34 of the Indian Penal Code.

The allegation against the petitioner is assaulting his
brother resulting in his right hand being fractured. The said
incident is alleged to have taken place when the informant was
going to adduce evidence in a case bearing Kako P.S. Case No. 95
of 2014, in which the petitioner herein is an accused.



The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that in the aforesaid Kako P.S. Case No. 95 of 2014, the petitioner is on bail and the petitioner has a fair antecedent. It is further submitted that for the time being, in order to resolve the present matter pertaining to anticipatory bail, the petitioner is willing to pay a sum of Rs. 25,000/- to his brother i.e. the informant herein for the purposes of his treatment.

Having regard to the facts and circumstances of the case, more particularly the fact that the petitioner and the informant are own brothers and it would not be in the interest of justice to precipitate the animosity amongst brothers, I deem it fit and proper to direct the petitioner to pay a sum of Rs. 25,000/- to his brother i.e. the informant herein by depositing the said amount before Nazarat of the concerned court. Upon surrendering before the concerned court within a period of four weeks from today and showing the deposit of such sum of Rs. 25,000/-, the learned trial court would admit the petitioner to anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad P.S. Case No. 117 of 2017 subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

It is further directed that in case the informant approaches the concerned court for withdrawal of the aforesaid sum of Rs. 25,000/-, the same would be paid to him immediately without any delay.

The petition is disposed off.

(Mohit Kumar Shah, J)

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