

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.234 of 2018

Arising out of PS. Case No.-239 Year-2017 Thana- BAKHTIARPUR District- Saharsa

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1. Vivek Mehta @ Vivek Kumar, son of Mahesh Mehta
 2. Jagdish Mehta, son of Late Sumrit Mehta both Residents of Village- Hussainchak, P.S.- Bakhtiarpur, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : SMT. ANITA KUMARI SINGH

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-02-2018 Heard the learned counsel for the petitioners and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Bakhtiarpur P.S. Case No. 239 of 2017 registered for the offence punishable under Sections 147, 341, 323, 324, 307, 504, 379, 34 of the Indian Penal Code.

At the outset, the learned counsel for the petitioners seeks to withdraw the anticipatory bail application filed by the petitioner no. 1 Vivek Mehta @ Vivek Kumar with liberty to file an application for grant of regular bail.

Accordingly, the anticipatory bail petition as far as the petitioner no. 1 is concerned, is disposed off as withdrawn with liberty to the petitioner no. 1 to surrender and file a petition for grant of regular bail.

The allegation is that upon order being given by the petitioner no. 2, the petitioner no. 1 and one other accused persons assaulted the informant by iron rod and Kulhari resulting in grievous injury to the



informant and his brother.

The learned senior counsel for the petitioners submits that as far as the petitioner no. 2 is concerned, there is no allegation of any specific overt act as against him, hence he may be granted the privilege of anticipatory bail in view of the fact that the allegation is against the petitioner no. 1 whose prayer for anticipatory bail has already been withdrawn. It is further submitted that both the sides are closely relative and there is land dispute existing between the parties.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioner no. 2, namely, Jagdish Mehta to the privilege of anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, 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, Saharsa in connection with Bakhtiarpur P.S. Case No. 239 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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