

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16936 of 2020

Arising Out of PS. Case No.-401 Year-2019 Thana- KORHA District- Katihar

1. WAKIL MAHAULI S/o Late Karu Mahauli Resident of Village-Bawan Ganj, P.S.-Korha, District-Katihar.
2. Chandan Mahauli S/o Late Bhola Mahauli Resident of Village-Bawan Ganj, P.S.-Korha, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh, Adv.
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-09-2020 Heard the learned counsel for the petitioners and Ms. Anita Kumari Singh, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Korha P.S. Case No. 401 of 2019 registered for the offence punishable under Sections 341, 323, 307, 427, 504, 506/34 of the Indian Penal Code and Sections 25(1-B)A, 26, 27 of the Arms Act.

The allegation is regarding the accused persons including the petitioners herein having assaulted the son of the informant with the



intention to kill him and the co-accused person, namely, Nikesh Mahouli, is stated to have fired from his pistol.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having clean antecedent. It is further submitted that the prosecution has specifically alleged that the co-accused person, namely, Nikesh Mahouli, had fired from his pistol, however, as far as the petitioners are concerned, a general and omnibus allegation has been levelled.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that a general and omnibus allegation has been levelled against the petitioners herein, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to



be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S.Case No. 401 of 2019, 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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