

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22890 of 2020**

Arising Out of PS. Case No.-260 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

1. Vikash Kumar @ Chhotu @ Vikash Kumar Mahto, S/o Late Krishnandan Mahto, Resident of Chatti Road, Miyhachak, P.S.- Town (Ratanpur O.P.), District- Begusarai.
2. Mukesh Kumar Mahto @ Mukesh Kumar Mahto, S/o Late Krishnandan Mahto Resident of Chatti Road, Miyahachak, P.S.- Town (Ratanpur O.P.), Distt- Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, A.P.P.
For the Informant	:	Mr. Shubhesh Pandey, Advocate

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

2 30-09-2020 At the outset, Mr. Binod Kumar, learned Advocate submits that petitioner no. 1 has already been arrested and then has been granted regular bail by learned court below, hence this application on his behalf has become infructuous.

Heard learned counsel for the petitioner no.2, learned A.P.P. for the State and learned counsel for the informant.

Petitioner no. 2 in the present case is seeking anticipatory bail in connection with Begusarai town (Ratanpur O.P.) P.S. Case No. 260 of 2020 registered for the offences punishable under Sections 448, 341, 323, 307, 504 and 506 of the Indian Penal Code.



Learned counsel for the petitioner no. 2 submits that so far as petitioner no. 2 is concerned no doubt there is allegation against him that he had assaulted the informant on his head and his brother Praveen Kumar but in this case for the alleged occurrence a counter case has also been lodged from the petitioner's side. The F.I.R. of the counter case is Annexure '3' registered on 23.05.2020. He has also pointed out that in the year 2014 also the informant's side had assaulted the petitioner's side and for this the petitioner no. 2 had lodged a case against the informant of this case and his father. Both the parties are gotias.

Learned counsel has further pointed out from Annexure '4' that the fact that the petitioner's side had been assaulted would be apparent from the injury report of the wife of petitioner no. 2 wherein she was also assaulted and X-ray of thigh was taken. It is further submitted that in such circumstance, the fact that the alleged assault by the petitioner no. 2 has caused only simple injury would also be evident from the injury report of the informant and his brother and, therefore, notwithstanding the allegation that the petitioner no. 2 had assaulted the informant and his brother on their head, there being simple injury, a counter version of the case supported by



injury report of the wife of petitioner no. 2 and that it is case of land dispute, the petitioner no. 2 deserves privilege of anticipatory bail.

On the other hand, Mr. Choubey Jawahar, learned A.P.P. for the State and Mr. Shubhesh Pandey, learned Advocate for the informant have jointly opposed the prayer of anticipatory bail of the petitioner no. 2, however, considering the facts and circumstances of the case that there is a case and counter case, wife of the petitioner no. 2 has also suffered injury and the parties are gotias having land dispute and further that the injuries on the informant and his brother are simple in nature, this Court directs that the petitioner no. 2 above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town (Ratanpur O.P.) P.S. Case No. 260 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

