

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62671 of 2019

Arising Out of PS. Case No.-113 Year-2017 Thana- MADANPUR District- Aurangabad

1. KRISHNA MEHTA @ KRISHNA MAHTO Son of Raja Ram Mahto Resident of Village-Sridih, P.S.-Madanpur, District-Aurangabad.
2. Bhadai Mehta @ Bhadai Mahto Son of Raja Ram Mahto Resident of Village-Sridih, P.S.-Madanpur, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Ashok Kumar, the learned APP appearing for the State.

The petitioners apprehend their arrest in connection with Madanpur P.S. Case No. 113 of 2017, for the offence punishable under Sections 307, 504, 506 and other allied sections of the Indian Penal Code.

The case of the prosecution in brief is that on 18.05.2017, a rumour spread in the village that one Ravinder Kumar had caught the hand of one Chandni Kumari of the same village and thereafter an altercation has taken place and the



accused persons including the petitioners herein, armed with lathi, danda, farsa and sword, had arrived at the house of the informant and assaulted the members of the prosecution party resulting in injury being inflicted upon the members of the prosecution party.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. It is further submitted that a bare perusal of the FIR would show that there is no whisper of any sort of specific overt act having been engaged in, as far as the petitioners are concerned. It is further submitted, by referring to paragraph-8 of the present petition, that the police, after investigation, had submitted charge sheet in which the petitioners herein had not been sent up for trial and as far as the present two petitioners are concerned, the allegations levelled against them were found to be untrue. Lastly, it is submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail by an order dated 12.12.2017 passed by a co-ordinate Bench of this Court in Cr. Misc. No. 58455 of 2017.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.



Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties and taking into account the fact that as far as the present two petitioners are concerned, the police had not sent them up for trial, apart from the fact that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners, above named, are directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Madanpur P.S. Case No. 113 of 2017, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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