

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13005 of 2021

Arising Out of PS. Case No.-149 Year-2020 Thana- MAHUA District- Vaishali

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1. KRISHNAKANT PATHAK Son of Late Jagarnath Pathak Resident of Village- Mukundpur Singhara, P.S.- Mahua, Distt- Vaishali at Hajipur (Bihar)
 2. RAJESH PATHAK Son of Krishnakant Pathak Resident of Village- Mukundpur Singhara, P.S.- Mahua, Distt- Vaishali at Hajipur (Bihar)
- ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-12-2021 Heard Mr. Jagarnath Singh, learned Advocate for the petitioners and Mr. Sanjay Kumar Tiwary, learned Additional Public Prosecutor for the State.

The petitioners who are father and son amongst themselves, seek bail in anticipation of their arrest in connection with Mahua P.S. Case No. 149 of 2020 dated 20.03.2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

On the demand of money due against the petitioners, the petitioners waylaid the son of the informant and assaulted him, as a result of which he was injured in his finger.

Learned counsel for the petitioners has submitted that prior to lodging the subject FIR, the brother of petitioner no. 1



had filed a case against the son of the informant for having demanded rangdari from the petitioners.

The learned counsel for the petitioners has further submitted that even otherwise, the very nature of averment in the subject FIR makes the case highly doubtful. The petitioners are said to have purchased gold jewellery from the shop of the informant worth Rs.85,000/-. When that money was being demanded, the occurrence is said to have taken place. There is nothing on record to indicate that the jewellery was sold to the petitioners for which no money was given.

Learned counsel for the petitioners therefore submits that because of some dispute between the parties, both sides have filed cases against each other.

Regard being had to the nature of accusation and the background facts and taking into account that the petitioners are the co-villagers of the informant, they are directed to be released on 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 their furnishing bail bonds in the sum of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in



connection with Mahua P.S. Case No. 149 of 2020 subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code.

(Ashutosh Kumar, J)

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