

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5976 of 2020**

Arising Out of PS. Case No.-257 Year-2019 Thana- MOKAMAH District- Patna

1. DEEPAK KUMAR, Son of Lalan Saw, Resident of Village- Shivnar, P.S.- Mokama, District- Patna.
2. Ram Charan Kumar, Son of Fantush Saw, Resident of Village- Shivnar, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

5      06-10-2021

Heard the learned counsel for the parties.

The instant application for grant of anticipatory bail has been filed by the two petitioners apprehending their arrest in connection with Mokama P.S. Case no. 257 of 2019 registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, the seven accused persons came variously armed. It is further stated that Fantush Saw @ Shrawan Saw caught hold of the father of the informant while Anoj Saw gave a blow with an iron rod on his head as a result of which he fell down injured. Thereafter, it is stated that the five named accused persons including the two petitioners herein assaulted him brutally with *lathi*, rod etc..



It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are false and concocted. The petitioners have been falsely implicated in the case. The allegations against Fantush Saw @ Shrawan Saw is of giving orders and that against Anoj Sao is of having assaulted with an iron rod. The allegations against the other five accused persons including the two petitioners herein besides being general and omnibus in nature have not been supported by the contents of the postmortem report wherein only one injury has been found on the deceased which as per the allegations in the FIR is directly attributable to Anoj Saw. The petitioners have no criminal antecedent.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners together with the contents of the postmortem report, the Court is inclined to enlarge the petitioners on bail. The petitioners above named, in the event of their arrest or surrender in the Court below within a period of four weeks from today in connection with Mokama P.S. Case no. 257 of 2019 are directed to be enlarged on bail on each of them furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned A.C.J.M. IV, Barh,  
Patna, subject to the conditions as laid down in section 438 (2)  
of Criminal Procedure Code.

**(Partha Sarthy, J)**

Spd/-

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