

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7401 of 2021

Arising Out of PS. Case No.-717 Year-2019 Thana- MAHUA District- Vaishali

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1. NIRMALA DEVI W/o Mahesh Ram Resident of Village - Karihon Bhorha,
P.S.- Mahua, Dist.- Vaishali.
 2. Vikash Kumar Son of Mahesh Ram Resident of Village - Karihon Bhorha,
P.S.- Mahua, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no.1 in order to enable her to surrender before the learned court below and seek regular bail. Accordingly, the present petition stands disposed of as not pressed qua the petitioner no.1. It is needless to state that in case the petitioner no.1 surrenders before the learned court below within a period of four weeks from today and prays for grant of regular bail, the same shall be considered on merits and disposed of on the very same day of filing of the same.

Heard.

The petitioner no.2 apprehends his arrest in connection with Mahua P.S. Case No. 717 of 2019 for the offence punishable under Sections 341, 323, 324, 307, 379,



504/34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner no. 2 herein having assaulted the informant on account of dispute having arisen relating to construction of a boring. As far as the petitioner no.1 is concerned, she is stated to have assaulted the informant by garasa, however, the petitioner no.2 is stated to have hit the son of the informant by fists and legs, nonetheless, the same had not resulted in any sort of injury being inflicted upon him. The learned counsel for the petitioner No.2 submits that the petitioner no.2 is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that no serious allegation has been levelled against the petitioner no.2 and moreover, no serious injury has been inflicted on the members of the prosecution party, which can be stated to be attributable to the act of the petitioner no.2.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties as also taking into account the materials available on record, this Court finds that as far as the petitioner no.2 is concerned, he is not only having a clean antecedent but has merely been alleged to have assaulted the son of the informant by fists and legs,



however, no serious or grievous injuries have been inflicted on the person of the son of the informant, hence, I deem it fit and proper to admit the petitioner no.2 to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner no.2, above-named, shall be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur in connection with Mahua P.S. Case No. 717 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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