

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18230 of 2023

Arising Out of PS. Case No.-219 Year-2021 Thana- KISHUNPUR District- Supaul

Mahendra Mehta, Son Of Late Dukhi Mehta, Resident Of Village - Dubiyahi,
P.S. - Kishanpur, Distt. - Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rana Baljit Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Kishanpur P.S. Case No. 219 of 2021 registered for the offences punishable under Sections 341, 323, 324, 307, 354(b), 379, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act. He has no criminal antecedent.

As per the prosecution story, on 03.11.2021 at 01:00 P.M. when the informant along with her husband and daughter was cutting crops, the accused persons including this petitioner and 10-15 unknown accused persons armed with weapons started abusing the informant. It is alleged that Sanjay Mahto ordered the accused persons to kill the informant and her family. This petitioner and Pramod Mahto assaulted the husband of the informant by *lathi*. It is also alleged that accused Saro Devi,



Nitu Devi and Sarita Devi assaulted the informant and her daughter. Further it is alleged that Sanjay Mahto fired on Pappu Yadav which hit on his left hand. The accused persons took away about two kathas of paddy crops.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is case and counter case between the parties and both the sides have assaulted each other.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is stated that the informant and the petitioner's side are own brothers and they have fought over property dispute in which both the sides have assaulted each other, there is case and counter-case and the injuries allegedly caused to the informant's side are simple in nature, this Court directs in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Kishanpur P.S. Case No. 219 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Supaul, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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