

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26152 of 2023

Arising Out of PS. Case No.-273 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. GHURAN MAHTO Son of Suraj Mahto Village- Hirani P.S.-
Kusheshwarasthan Dist- Darbhanga
 2. Jitendra Mahto Son of Ghuran Mahto Village- Hirani P.S.-
Kusheshwarasthan Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Mrs.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 2 in order to enable him to surrender before the learned court below within a period of two weeks from today and avail the privilege of regular bail.

Accordingly, the present petition qua the petitioner no. 2 stands dismissed as not pressed.

The petitioner no. 1 apprehends his arrest in connection with Kusheshwarasthan P.S. Case No. 273 of 2022, registered for the offences punishable under Sections 341, 324, 307/34 of the Indian



Penal Code.

The allegation is regarding the accused persons including the petitioners herein having taken the son of the informant behind Satighat High School on the pretext of some urgent work, whereafter the petitioner no. 2 had inflicted knife blow in the stomach of the son of the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. It is further submitted that the petitioner no. 1 has not been alleged to have engaged in any sort of overt act, hence he be granted the privilege of anticipatory bail.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact



that the petitioner no. 1 is not alleged to have assaulted the son of the informant and it is the petitioner no. 2 who has inflicted the knife blow on the son of the informant, I deem it fit and proper to admit the petitioner no. 1 herein to the privilege of anticipatory bail.

Accordingly, the petitioner no. 1, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Biraul, Darbhanga in connection with Kusheshwarasthan P.S. Case No. 273 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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