

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30758 of 2023

Arising Out of PS. Case No.-114 Year-2022 Thana- ANDHRATHARHI District- Madhubani

1. GOPAL KUMAR MEHTA SON OF BAIDYANATH MEHTA @ BAIDYANATH MAHTHA RESIDENT OF VILLAGE- PALAR, PS- ANDHRATHADHI, DISTT- MADHUBANI
2. UPENDRA MEHTA SON OF LATE DEVI MEHTA RESIDENT OF VILLAGE- PALAR, PS- ANDHRATHADHI, DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Prasad, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-07-2023 Heard the learned counsel for the petitioners and
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Andhrathadhi P.S. Case No.114 of 2022, registered for offences under Sections 147, 148, 149, 341, 342, 323, 308, 354(B), 448, 379, 504 and 506 of the IPC.

The allegation is regarding altercation having taken place in between the parties on account of land dispute. It is further alleged that the co-accused persons, namely, Rakesh Mehta and Shivam Mehta had assaulted the informant and his wife by farsa and stick, resulting in them sustaining injuries.

The learned counsel for the petitioners has submitted



that the petitioners are innocent, they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that though the petitioner no.1 is having a clean antecedent but the petitioner no.2 is an accused in one another case but he is on bail in the said case. It is also submitted that a bare perusal of the FIR would show that the petitioners have not been alleged to have engaged in any sort of overt act.

Per contra, the learned APP for the State has vehemently opposed the prayer for 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 a general and omnibus allegation has been levelled against the petitioners and they have not been alleged to have engaged in any sort of specific overt act, apart from the fact that the present case arises out of case and counter case, the case filed by the relatives of the petitioner being first in time, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory 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 furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1, Jhanjharpur, District-Madhubani, in connection with Andhrathadhi P.S. Case No.114 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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