

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37454 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- ANDHRATHARHI District- Madhubani

Mahendra Ray Son Of Khushi Lal Ray Resident Of Village - Thadhi Vishanpura, P.S. Andhratharhi @ Andhrathadhi, District - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Andhratharhi P.S. Case No. 190 of 2022 registered for the offence punishable under Sections 341, 147, 323, 324, 307, 149, 448, 379, 504, and 506 of the Indian Penal Code.

3. There is an allegation of indiscriminate assault by the petitioner along with six others upon the informant and his family members.

4. Learned counsel for the petitioner submits that the parties are on hostile terms as both are asserting disputed rights over some property. The petitioner earlier also was implicated in a case at the instance of the same prosecution parties in



Andhratharhi P.S. Case No. 171 of 2022. In the instant case also, over a trivial dispute, the free fight took place between the parties. There is no injury sustained by any injury report. There is no specific blow attributed to the petitioner.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, nature of allegations and subsisting land dispute, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I Class, Jhanjharpur in connection with Andhratharhi P.S. Case No. 190 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is



any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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