

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39794 of 2023

Arising Out of PS. Case No.-260 Year-2022 Thana- ARIYARI District- Sheikhpura

1. Devi Lal Mahto @ Devi Mahto Son of Badri Mahto Resident of Village-Nabinagar Kakrar, Ps- Ariyari, District- Sheikhpura
2. Suraj Kumar Son of Kushal Mahto @ Khushilal Mahto Resident of Village-Nabinagar Kakrar, Ps- Ariyari, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 06-11-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. Learned counsel for the petitioners seeks permission to withdraw the present application with respect to petitioner no.1 (Devi Lal Mahto).

4. Permission is accorded.

5. Accordingly, the present application with respect to the petitioner no.1 (Devi Lal Mahto) is dismissed as withdrawn.

6. The petitioner is apprehending his arrest in



connection with Ariyari P.S Case No. 260 of 2022 dated 07.10.2022 registered for the offence punishable u/ss 147, 148, 149, 341, 323, 324, 307, 354, 379, 506 and 504 of the Indian Penal Code and 27 of the Arms Act.

7. As per the prosecution case, the informant has alleged that while he had gone to take water from the government handpump where one Sandeep Kumar abused him by calling his caste name and started assaulting him. Thereafter, F.I.R. named accused holding weapons came there and also started assaulting the informant and his family members.

8. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that there is a case and counter case between the parties. Learned counsel has further submitted that as per injury report, the injuries are simple in nature caused by hard and blunt substance. Similarly situated co-accused persons have already been granted anticipatory bail by the Co-ordinate Bench of this Court vide order 06.09.2023 passed in Cr. Misc. No. 37969 of 2023. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

9. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.



10. Considering the aforesaid facts and circumstances of the case, let the above named petitioner no.2 (Suraj Kumar), in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Sheikhpura in connection with Ariyari P.S. Case No. 260 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

11. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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