

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54463 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- BUDDHACOLONY District- Patna

1. Mithu @ Madan Kumar, aged about 47 years, Son of Rameshwar Mahto
2. Rameshwar Mahto @ Rameshwar Prasad, aged about 77 years, S/O Late Hari Prasad,
Both resident of Mohalla- North Mandiri, Chhakkan Tola, P.S. Budha Colony, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Ranjan Sinha, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-11-2023 Heard Mr. Prakash Ranjan Sinha, learned counsel appearing on behalf of the petitioners and Dr. Indihar Kumari, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Budha Colony P.S. Case No. 176 of 2023 registered for the offence punishable under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the pet dog of the petitioners had defecated near the clinic of the informant to which the informant had objected and petitioners had started assaulting the informant by means of iron rod, legs and fists. Informant had sustained injury.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Injury sustained by the informant is simple in nature. No such incidence had taken place rather the informant had tortured the pet of the petitioner, which is cruelty against animal and the same was objected in good sense. Petitioner no. 2 has clean antecedent and petitioner no. 1 has one antecedent, which has been dropped before the Lok-Adalat on 13.05.2023. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioners in the FIR, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna, in connection with Budha Colony P.S. Case No. 176 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



7. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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