

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45813 of 2023

Arising Out of PS. Case No.-167 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

MAHESH SAH S/O JAGESHWSR SAH R/O Village- Vishnupur Chandani
Chowk, Ward No. 42, P.S- Town, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-09-2023 1. Heard the learned counsel for the petitioner and
learned APP for the State.

2. This is an application for grant of anticipatory
bail in connection with Begusarai Nagar P.S. Case No.167 of
2023, registered for offences under Sections 341, 323, 448, 307,
379, 504 and 34 of the IPC.

3. The allegation is regarding the accused persons,
including the petitioner herein, having arrived at the door of the
house of the informant, whereafter they are stated to have
snatched her Mangalsutra and abused the informant, however,
when the informant had protested, the petitioner and one another
co-accused person had taken out pistol from their waist and
fired gunshots, nonetheless, the same did not hit the informant.
It is also alleged that thereafter, the petitioner and one another



co-accused person had then assaulted the husband of the informant.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted by referring to the injury report of the husband of the informant, annexed as annexure-3 to the present petition that the injuries whatsoever, found on the person of the husband of the informant have been found to be simple in nature. It is further submitted that present case arises out of case and counter case and a false allegation has been levelled against the petitioner.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. 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 injuries sustained by the husband of the informant have been found to be simple in nature and moreover, a superficial sort of allegation of firing gunshots have been levelled qua the petitioner herein, although the same had not hit the informant, apart from the fact



that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Begusarai Nagar P.S. Case No.167 of 2023, 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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