

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53672 of 2023

Arising Out of PS. Case No.-388 Year-2021 Thana- TRIVENIGANJ District- Supaul

Mithilesh Kumar @ Mithilesh Yadav @ Mithlesh Kumar S/O Deep Narayan
Yadav R/O Village- Parsahi, Ps. Tribeniganj, Dist. Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Patla Kumari, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 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 Triveniganj P.S. Case No.388 of 2021, registered for offences under Sections 148, 149, 447, 427, 504, 341, 323, 308 and 379 of the Indian Penal Code.
3. The allegation is that while the informant along with her husband was going to Triveniganj market on 26.11.2021, at about 11 a.m., the FIR named accused persons and 15 unknown persons, including the petitioner herein, had arrived at the land of the husband of the informant along with a tractor and thereafter, they had started ploughing the field forcibly and when the husband of the



petitioner had objected, the accused persons had assaulted the informant and others. As far as the petitioner is concerned, he is alleged to have assaulted on the head of Mahendra Yadav by sword, resulting in him sustaining injuries.

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 that the injury sustained by the said Mahendra Yadav has been found to be simple in nature, hence the petitioner be granted the benefit of doubt for the purpose of grant of the privilege of anticipatory bail.

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 petitioner is having a clean antecedent and the injuries sustained by the injured person, namely, Mahendra Yadav, attributable to the petitioner have been found to be simple in nature by the doctor, though I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however, subject to verification of the injuries of the said Mahendra Yadav by the learned Trial Court, in order to ascertain as to whether the injuries sustained by the him are simple in nature or not and further subject to such other condition as may be deemed fit and proper to be imposed for the purpose of grant of anticipatory bail to the petitioner herein by the learned Court of ACJM, Supaul in connection with Triveniganj P.S. Case No.388 of 2021.

7. Accordingly, the present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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