

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52474 of 2023

Arising Out of PS. Case No.-289 Year-2023 Thana- BRAHMPUR District- Buxar

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1. Govinda Mahato @ Golu Mahato @ Govind Kumar Mahato Son Of Raju Mahato R/O-Gayghat, P.S.-Brahmpur, Distt.-Buxar
 2. Malti Devi Wife Of Raju Mahato R/O-Gayghat, P.S.-Brahmpur, Distt.-Buxar
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard Mr. Sanjay Kumar, learned counsel appearing on behalf of the petitioners and Mr. Tapeswar Sharma, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Brahampur P.S. Case No. 289 of 2023 registered under Sections 341, 323, 325, 307, 504, 506 and 34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R. the petitioner and other co-accused had assaulted the informant's side.

4. Learned counsel appearing on behalf of the petitioners submits that the plot appertaining to Khata No. 919, Khesra No. 1230 situated in Mauja Gaighat belongs to the petitioners and their family. He further submitted that a Title



Suit No. 159 of 2017 is also pending in the Court of Civil Court, Buxar, the informant's side wanted to grab the land of the petitioners in course of the said incidence both the parties indulge in fierce fight and sustained injury. The petitioners in the said incidence may have caused injury to the brother of the informant in self defense without any intention.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the nature of allegation made in the F.I.R. The informant's side wanted to grab the land of the petitioners in course of the said incidence both the parties indulge in fierce fight and sustained injury. The petitioners in the said incidence may have caused injury to the brother of the informant in self defense without any intention.

7. In above view of the matter, the petitioners have made out a case to be released on anticipatory bail.

8. Court below is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of



learned C.J.M., Buxar in connection with Brahampur P.S. Case
No. 289 of 2023, subject to the condition as laid down under
Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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