

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59790 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- KONCH District- Gaya

Mithlesh Kumar @ Mithlesh Yadav @ Mithilesh Kuar Son Of Surendra
Yadav Village Parsawan Tola Rampur Ps. Konch District Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.

For the Opposite Party/s : Ms. Anita Kumari, APP.

For the Informant : Mr. Sanjay Kumar Sharma, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 14-12-2023 Heard learned counsel for the petitioner, learned Additional
Public Prosecutor for the State and learned counsel for the informant.

2. The petitioner is apprehending his arrest in connection with Konch P.S Case No. 89 of 2023 dated 22.02.2023 registered for the offence punishable u/s 147, 148, 149, 323, 307 and 302 of the Indian Penal Code.

3. As per the prosecution case, the allegation against the petitioner is that he along with other co-accused persons variously armed assaulted the informant and his family members. The petitioner assaulted on the head of the informant's wife with the butt of katta. The co-accused persons assaulted them with iron rod. During the course of treatment, the informant's wife was declared dead.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has two criminal antecedent as stated in para 3 of the bail petition. The petitioner and the informant are agnates. It is an admitted land dispute between the parties. There is no specific allegation levelled



against the petitioner. No occurrence has ever taken place as alleged in the present case. The petitioner has been made accused due to grudge in this case. There is general and omnibus allegation of assaulting the informant's wife. Learned counsel further submits that witness, Anil Yadav who is the son of the informant has not stated the specific allegation against the petitioner.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there is no overt act against the petitioner, let the above named petitioner, 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 of Chief Judicial Magistrate, Gaya in connection with Konch P.S. Case No. 89 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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