

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.55031 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- MALSALAMI District- Patna

CHHOTU KUMAR S/O RAM PRAVESH MAHTO @ BHONDU MAHTO
RESIDEDNT OF MOHALLA NURUDDINGANJ, P.S. MALSALAMI,
DISTRICT PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 30-08-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Malsalami Police Station Case No. 40 of 2023,
dated 18.01.2023, disclosing offences under Sections
147/148/149/341/323/307/332/333/353/504/506 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, on the basis of the First
Information Report, is that the police intercepted a person along
with a bag having mahua wine kept therein and it has been
alleged that petitioner, along with other named accused persons,
in 15 to 20 local persons, assaulted the police party and got



arrested person free from the custody of the police.

Learned Counsel for the petitioner submits that the allegation against the petitioner is general and omnibus in nature along with other accused persons, including the unknown persons. He further submits that the petitioner does not have any criminal antecedent and similarly situated named accused persons, namely, Sanjivan Ray and Mukesh Rai have been granted anticipatory bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 27525 of 2023 and 27577 of 2023 respectively.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City, in connection with Malsalami Police Station Case



No. 40 of 2023, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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