

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57016 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- BARHARA KOTHI District- Purnia

1. MINA DEVI, aged about 48 years (Female) WIFE OF SUSHIL MEHTA
 2. SUBODH KUMAR @ SUBOD KUMAR, age about 28 years (Male), SON OF SUSHIL MEHTA
 3. VIKASH KUMAR @ BIKASH KUMAR, age about 26 years (Male), SON OF SUSHIL MEHTA
 4. SUSHIL MEHTA, age about 56 years (Male) SON OF PARSADI MEHTA
- All are RESIDENT OF Village SUKSHENA MEHTA TOL, P.S. - BARHARA, DISTRICT - PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore (App.100)

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-09-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Barhara P.S. Case No. 117 of 2023 dated 11.03.2023 registered for the offence(s) punishable under Section(s) 341, 323, 324, 325, 307, 504, 506/34 of the Indian Penal Code.

3. The main submissions advanced by the learned counsel for the petitioners are that all the petitioners have fair and clean antecedent and they are agnates of prosecution party,



against them there is no serious allegation and petitioner /Sushil Mehta is simply alleged to have instigated the other co-accused persons, though the petitioners are alleged to have assaulted the informant's brother/Lalan Kumar but the said allegation is completely general and omnibus and a dispute regarding the measurement of the disputed land having taken place in between both the parties is stated to have led the commission of the alleged occurrence which shows that the alleged occurrence was not pre-planned and the alleged offence under Section 307 of IPC is not made out against the petitioners. Further submission is that as per the order impugned, the injuries of the main injured person have been opined to be simple in nature except one which was found on his hand, which is a non-vital part of the body.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the genesis of the occurrence as well as petitioners' fair and clean antecedent and the nature of allegation appearing against them from the FIR, in my opinion, in the said circumstances, petitioners deserve to the privilege of anticipatory bail. Accordingly, let the petitioners named-above, in the event of



their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Barhara P.S. Case No. 117 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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