

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74814 of 2023

Arising Out of PS. Case No.-593 Year-2022 Thana- SAUR BAZAR District- Saharsa

Mantosh Kumar @ Mantosh Yadav Son of Pahal Yadav Resident of Village -
Kishanpur, Ward No.- 12, Tola Bhajanpatti, P.S.- Sourbazar (Patarghat O.P.),
Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

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

ORAL ORDER

2 11-12-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Sourbazar (Patarghat O.P.) P.S Case No.
593 of 2022 dated 30.10.2022 registered for the offence
punishable u/ss 341, 323, 307, 379, 384, 504, 506 read with
34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner along
with two named accused persons came on a motorcycle,



stopped the informant and asked him to compromise the murder case of his son. When the informant was not ready to compromise the case, the co-accused Lallan Yadav order to kill the informant upon which the accused, Mantosh Yadav and Pappu Yadav hit and knocked down and they assaulted his chest with weapon. The co-accused, Lallan Yadav assaulted the informant on his head with butt of the gun and took Rs. 1000/- from his pocket. They also trampled his body by the motorcycle.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that the injury is simple in nature. Learned counsel has further submitted that from perusal of the case diary, it appears that the petitioner is not named in the murder case of the informant's son. He has been framed in this case in a false and concocted manner. There is land dispute between the parties. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and



circumstances of the case, 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 concerned, Saharsa in connection with Sourbazar (Patarghat O.P.) P.S Case No. 593 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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