

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72660 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- BASANHI District- Saharsa

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1. TUNTUN MISTRY Son Of Ramdev Mistry Resident Of Mahua- Bajar Ward No 12, P.S. -Basnahi District- Saharsa
 2. PANKAJ MISTRY Son Of Suresh Mistry Resident Of Mahua- Bajar Ward No 12, P.S. -Basnahi District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Adv.

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-11-2023 1. Heard learned counsel for the Petitioners and learned APP for the State.

2. The Petitioners apprehend their arrest in connection with Basnahi P.S. Case No. 81 of 2023 dated 18.05.2023 registered for the offences punishable under Sections 447, 323, 324, 307 and 506 read with Section 34 of the Indian Penal Code.

3. The main submissions advanced by learned counsel for the petitioners are that there is no serious allegation against the petitioners and as per the FIR they simply caught hold the informant's brother and the main allegation of assault is against co-accused Mithun Kumar and the said injured was treated at a private hospital from where his injury report was issued and the same has no credibility and in fact, in between both the parties a



land dispute is running and the incident, as alleged in the FIR, has been described exaggeratedly and on the head of the informant's brother only one lacerated wound in the size of 2" x 1½" x 1/2" inches over scalp was found and the same has not been attributed against the petitioners. Further submission is that the petitioners have got no criminal antecedent.

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

5. Considering the above submissions and mainly taking into account the nature of allegation appearing against the petitioners and also, their fair and clean antecedent, this Court is inclined to accept the prayer for anticipatory bail of the petitioners. 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 on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Basnahi P.S. Case No. 81 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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