

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71971 of 2023**

Arising Out of PS. Case No.-391 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Sanjay Mahto Son Of Bindeshwar Mahto Resident Of Village - Dih Berai, P.S.- Sadar, Dist.- Darbhanga.
 2. Avishek Mahto Son Of Sanjay Mahto Resident Of Village - Dih Berai, P.S.- Sadar, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 07-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 341, 504, 323, 307, 506, 34 of the Indian Penal Code.

3. As per FIR, the allegation against the accused persons including the petitioners is that they stopped the informant while he was returning home from his shop and armed with *lathi*, *danda* they started assaulting. It is further alleged that in the alleged occurrence the petitioner no-2 assaulted him by means of *bhala* due to which he sustained injuries on his left eye and when his son came to save him they



also assaulted him and fled away.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. There is case and counter case between the parties and both parties have sustained injuries as alleged in separate occurrence. As per Annexure-3, injuries of the injured have been kept reserved. It is further submitted that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 31.07.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Sadar P.S. Case No. 391 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Darbhanga.

(Sunil Kumar Panwar, J)

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