

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72451 of 2023

Arising Out of PS. Case No.-543 Year-2023 Thana- FATEHPUR District- Gaya

1. Govind Mistry Son Of Baiju Mistri R/O Village-Kariyadpur, P.S.-FATEHPUR, District.-GAYA
2. Golu Kumar @ Sushant Kumar @ Suranjan Kumar Son Of Umesh Vishwakarma R/O Village-Kewal, P.S.-FATEHPUR, District.-GAYA
3. Abhimanu Mistry Son Of Kedar Vishwakarma R/O Village-Paraman, P.S.-BISHNGARH, District.-GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 10-11-2023 Learned counsel for the petitioners 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 petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Fatehpur P.S. Case No. 543 of 2023 dated 21.07.2023 registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 504 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioners came to



the house of the informant holding *lathi* and sword and started abusing. When the informant came out of his house, then the petitioner No.1 assaulted him with sword causing injury on his left knee and he also assaulted the informant's son with sword causing injuries on his left hand, left leg and forehead. Thereafter, the petitioner No. 2 and 3 assaulted informant and his son with bricks and *lathi*. When the informant's wife came to rescue, the petitioner No.2 snatched golden chain and took Rs. 2,500/- from the pocket of the informant.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. There is case and counter case between both the parties. There is a delay in lodging the F.I.R from the date of occurrence. Learned counsel has further submitted injury of the informant is simple in nature which is on non-vital part of the body.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners by submitting that the injury of informant's son Sumit Ranjan Kumar is grievous in nature which is on non-vital part of the body.



7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Gaya in connection with Fatehpur P.S. Case No. 543 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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