

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3595 of 2023**

Arising Out of PS. Case No.-415 Year-2020 Thana- TEKARI District- Gaya

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AMRESH KUMAR @ AMRESH MISTRI SON OF SITA RAM MISTRI @
SITARAM SHARMA R/O VILLAGE- CHITAUKHAR, P.S.- TEKARI
(MAU O.P.), DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 Heard the learned counsel for the

petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Tekari (Mau O.P.) P.S. Case No. 415 of 2020 registered for the offences punishable under Sections 323, 341, 342, 307, 379 and 34 of the Indian Penal Code.

The allegation is regarding the petitioner along with other co-accused persons having assaulted the son of the informant namely Kundan and his brother Sundan on 22.08.2020.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he



is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has though been alleged to have assaulted the son of the informant namely Sundan, but the injury report annexed as Annexure-3 to the present petition would show that the injuries are simple in nature. The learned counsel for the petitioner has also submitted that the present case arises out of case and counter case, inasmuch as one FIR bearing Tekari (Mau O.P.) P.S. Case No. 486 of 2020 has been lodged by the brother of the petitioner for an incident involving assault by the informant and his family members of the present case qua the petitioner and his family members.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact



that the injury sustained by the injured person attributable to the petitioner has been found to be simple in nature apart from the fact that the present case arises out of case and counter case and the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya, in connection with Tekari (Mau O.P.) P.S. Case No. 415 of 2020, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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