

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.539 of 2023

Arising Out of PS. Case No.-178 Year-2020 Thana- ATRI District- Gaya

MAHESH KUMAR S/o Siyasharan Yadav @ Siya Sharan Prasad R/o
Village- Tetua Tand, P.S.- Atri, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 22-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Atri P.S. Case No. 178 of 2020, registered for the offence punishable under Sections 341, 323, 448, 325, 307, 354, 379, 504, 506, 34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having arrived at the house of the informant, whereafter they had started cutting the pusta of the mud wall of the house of the informant by Chapra and when the son of the informant had tried to stop them, the petitioner had assaulted him with the handle of Chapra from the back side resulting in the son of the informant becoming unconscious.

The learned counsel for the petitioner submits 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 despite lapse of about two years, no supplementary injury report has been brought on record, hence, it cannot be said that the son of the informant had received any serious injury.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that the petitioner is having a clean antecedent and there is no injury report on record to suggest that the injury, sustained by the son of the informant, attributable to the petitioner herein, is grievous in nature, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of



the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Gaya, in connection with Atri P.S.Case No. 178 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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