

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13637 of 2024

Arising Out of PS. Case No.-449 Year-2023 Thana- KATEYA District- Gopalganj

Mahesh Sah @ Mahesh Gond SON OF LATE BALKISHU SAH RESIDENT
OF VILLAGE- SULTANPUR, PS- KATEYA, DIST- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-03-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Kateya P.S. Case No. 449 of 2023 instituted under Sections 341, 323, 324, 307, 354, 504, 506, 34 of the Indian Penal Code lodged on 17.10.2023 by the informant, Munna Sah.

3. As per the prosecution story, the informant alleged that the accused persons entered his house armed with weapons including sword, garasa and iron rod and the allegation against this petitioner is of injuring the informant as also Ashok Sah, his brother. There is allegation against other accused persons also. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that there is case and counter case, both resided at the same place,



scuffle took place which has been exaggerated as would manifest from the injuries attached with the petition to show that both the injuries on the informant as also his brother have been found to be simple in nature. It is his further submission that the petitioner do not have criminal antecedent and the last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 2500/- each to the informant as also Ashok Sah (total Rs.5000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant and Ashok Sah after checking the credential.

5. Learned APP opposes the prayer stating that he has assaulted the informant and his brother, though the injuries have been found to be simple.

6. Considering the submissions put forward by the parties, as incorporated above, the petitioner do not have criminal antecedent, the injuries have been found to be simple in nature, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 2500/- each (total Rs. 5000/-) as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local SBI to be submitted to the



trial Court and handed over to the informant and Ashok Sah after checking their credentials.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Kateya P.S. Case No. 449 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Gopalganj subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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