

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18539 of 2024

Arising Out of PS. Case No.-206 Year-2022 Thana- BHELDI District- Saran

1. Niraj Kumar @ Niraj Singh S/o Lala Singh R/o Mahrua, Town/ vill - Raypura, P.S. - Amnour, Distt. - Saran, Chapra, Bihar
2. Shivaji Mahto S/o Ramadin Mahto R/o Raypura Tola Maharua, P.S. - Garkha, Distt. - Saran, Bihar
3. Awadhesh Kumar S/o Lal Babu Mahto R/o Maharua, P.s - Garkha, P.O. - Garkha, Distt. - Saran, Bihar
4. Nilesh Kumar Singh @ Mithlesh Kumar @ Mithlesh Singh S/o Shaukhi Lal Singh R/o Maharua, P.S. - Repura, Distt. - Saran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Prasad, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Bheldi P.S. Case No. 206 of 2022 dated 10.06.2022, instituted for the offence punishable under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution story, the accused perons were dumping mud on the private lands of the informant and when the informant objected to it, the accused came armed with lathis and iron rod and started assaulting the informant and even



abused him. The accused person hit the informant and also those persons who were saving them by means of iron rod.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioners and informant are agnates and there is a land dispute between the parties due to which the present false and concocted case has been lodged against the petitioners. It is further stated that there is allegation of assault against petitioner nos. 1 and 4 to Prince and Rahul Kumar respectively and there is general and omnibus allegation against petitioner nos. 2 and 3. It is further submitted that except one injury, all injuries are simple in nature. It is further submitted that there is a case and counter case between the parties. Counter case was lodged by petitioner no. 3 against the informant's side vide Bheldi P.S. Case No. 205 of 2022 for offences punishable under Sections 341, 323, 307, 379, 504, 506 & 34 of the I.P.C. It is submitted that the present case has been lodged by the informant after petitioner's case to save their skin. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bheldi P.S. Case No. 206 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned First Class Judicial Magistrate cum Sub-Judge 1, Saran Chapra, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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