

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17283 of 2024

Arising Out of PS. Case No.-245 Year-2023 Thana- DEV District- Aurangabad

1. Munna Kumar @ Munna Kumar Mehta S/o Awadhesh Mahto R/o vill - Manjkhad, P.O. - Kataiya, P.s. -Deo, Distt. - Aurangabad (Bihar)
2. Deepak Kumar S/o Arjun Mahto R/o vill - Manjkhad, P.O. - Kataiya, P.s. -Deo, Distt. - Aurangabad (Bihar)
3. Umesh Kumar S/o Yugesh Mehta @ Yogesh Mahto R/o vill - Manjkhad, P.O. - Kataiya, P.s. -Deo, Distt. - Aurangabad (Bihar)
4. Vikash Kumar S/o Rambilash Mehta @ Rambilash Mahto R/o vill - Manjkhad, P.O. - Kataiya, P.s. -Deo, Distt. - Aurangabad (Bihar)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uma Kant Mishra, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Deo P.S. Case No. 245 of 2023, registered for the alleged offence under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

03. As per prosecution case, over some dispute, the petitioners and other co-accused persons assaulted the informant, his father and brother with iron rod, causing injuries to them.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this



case. No occurrence as alleged has ever taken place. The present case is a counterblast of Deo P.S. Case No. 244 of 2023, which was lodged by petitioner-Deepak Kumar against the informant side for the offence under Sections 324, 307, 379 and other minor sections of IPC. There is dispute over right of way and earlier petitioner-Deepak Kumar gave an application before the District Magistrate, Aurangabad in this regard. Learned counsel further submits that the informant side is aggressor and the petitioners received a number of injuries for which there is no explanation. Learned counsel further submits that injuries of the victims are all found to be simple in nature except the injury of victim Aniruddha Kumar, which is stated to be grievous. In fact, no offence under Section 307 and 324 of IPC is made out against the petitioners. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the earlier counter version of the petitioners and further considering the simple and non-serious nature of injuries of the victims, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Deo P.S. Case No. 245 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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