

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23341 of 2024

Arising Out of PS. Case No.-347 Year-2023 Thana- MANJHI District- Saran

1. Tribhuwan Mahto @ Tribhuwan Prasad Son Of Late Baijnath Mahto Resident Of Village- Manjhi Thana Bazar, Ps- Manjhi, Dist- Saran
2. Arun Kumar Son Of Tribhuwan Mahto Resident Of Village- Manjhi Thana Bazar, Ps- Manjhi, Dist- Saran
3. Akash Kumar Son Of Sudarshan Mahto Resident Of Village- Manjhi Thana Bazar, Ps- Manjhi, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ravindra Kumar Shukla, Adv
For the Opposite Party/s :	Ms.Rita Verma, APP
	Dr. Rajesh Kumar Singh, Adv
	Mr. Anant Kumar Bhaskar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-05-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State along with learned counsel appearing on behalf of the OP No. 2.
2. The learned counsel for the petitioners seeks permission to withdraw the instant anticipatory bail application with respect to petitioner No. 2 (Arun Kumar).
3. Permission is accorded.
4. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354, 379, 504 and 506 of the Indian Penal Code.
5. Learned counsel for the petitioners submits that the



petitioner No. 1 has antecedent of one case and petitioner No. 3 is a person with clean antecedent. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against the Petitioner No. 3 (Akash Kumar). It is next submitted that Petitioner No. 1 is alleged to have assaulted the cousin brother of the informant, namely, Sunil, indiscriminately by *Lathi* causing fracture of leg. It is further submitted that petitioners and the informant are cousin brothers and are having dispute relating to property. It is further submitted that Akash was plucking vegetables from his land when the same was objected from the side of the informant on account of which an altercation took place and both sides assaulted each other. It is further submitted that Arun Kumar, whose prayer for anticipatory bail has been withdrawn, was also assaulted brutally by the side of the informant and he suffered grievous injury on head, which is vital part of the body. It is next submitted that though Petitioner No. 1 is alleged to have assaulted Sunil with *Lathi* causing fracture of leg but then the injury is not on vital part of the body. It is also submitted that persons from side of the petitioners also suffered injury including Arun. It is next submitted that petitioners will not



abscond rather will cooperate in the investigation.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners and the fact that petitioners and the informant are cousin brothers and Arun Kumar has been taken into custody, the petitioner No. 1 (Tribhuwan Mahto @ Tribhuwan Prasad) & 3 (Akash Kumar), in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Manjhi P.S. Case No. 347 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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