

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24317 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- DEV District- Aurangabad

1. Indal Mehta Son Of Late Mathura Mahto Resident Of Village - Manjkhand, P.S. - Dev, District - Aurangabad (BIHAR)
2. Anurudh Mehta Son Of Indal Mahto Resident Of Village - Manjkhand, P.S. - Dev, District - Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Deo P.S. Case No. 244 of 2023 dated 17.10.2023, instituted for
the offence punishable under Sections 147, 148, 149, 341, 323,
324, 325, 354, 307, 504, 379 of the Indian Penal Code.

3. The prosecution case, in short, is that on
17.10.2023, when the informant was going to his field from his
house, the petitioners along with other accused armed with lathi,
danda, sword and garasa started abusing the informant. When
the informant objected then Indal Mehta (petitioner no. 1)
assaulted the informant with sword on his head due to which he



received injury. When the co-villager came to save the informant then the petitioners along with other accused persons assaulted them and snatched a gold chain.

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 both the parties are agnates. It is further submitted that occurrence took place due to dispute of road (rasta) between both the parties. It is further submitted that there is specific allegation of assault by petitioner no. 1 with sword on the head of the informant but the allegation against petitioner no. 2 is general and omnibus in nature. It is further submitted that from perusal of the impugned order, it is apparent that paragraph 38 of case diary shows that the injury reports of alleged Deepak Kumar, Munna Kumar and Vikas Kumar has not been received by I.O. and there is no injury on the body of the said persons. Further from perusal of paragraph 48 of case diary, it appears that there is injury report of Umesh Kumar, it is apparent that he has sustained injuries and nature of injury is found to be simple in nature caused by hard and blunt substance. It is further submitted that there is a case and counter case between the parties vide Deo P.S. Case No. 245 of 2023 filed by the petitioners' side against the informant under Sections 147,



148, 149, 341, 323, 324, 307, 504 and 506 of the I.P.C. 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 petitioners.

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 Deo P.S. Case No. 244 of 2023, 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 Chief Judicial Magistrate, Aurangabad, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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