

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50491 of 2024

Arising Out of PS. Case No.-165 Year-2018 Thana- BATHNAHA District- Sitamarhi

1. Mithilesh Kumar Son of Ramsurat Singh, Resident of Village - Gobardhanpur, P.S. - Bathnaha, District - Sitamarhi
2. Amit Kumar Son of Ramsewak Singh, Resident of Village - Gobardhanpur, P.S. - Bathnaha, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Petitioners apprehend their arrest in connection with Bathnaha P.S. Case No.165 of 2018 instituted under Sections 341, 323, 324, 379, 506, 504/34 of the Indian Penal Code.

3. As per prosecution case, on the alleged date of occurrence, while the accused persons including these petitioners were starting construction of latrine tank, a protest was made by Bhola Mahto, thereupon the petitioners inflicted iron blow on the head of Bhola Mahto. Other accused persons are alleged to have assaulted him with bricks. When his brother Darshan Mahto came to rescue him, he was also assaulted by



the petitioners. Petitioner no.2 is alleged to have snatched a chain from the neck of Bhola Mahto.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The allegation of theft is super addition. There is a delay of 18 days in lodging the F.I.R. without any explanation. Both sides are agnates and having dispute with regard to construction of latrine tank, the occurrence took place between them for which there is a case and counter case. It is further submitted that as per complaint made by injured Bhola Mahto, he was advised by doctor for CT scan but no report was made available as such Bhola Mahto sustained no injury. The allegation of snatching a chain is ornamental. Petitioners have no criminal antecedent and they undertake to cooperate in the investigation and the trial.

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

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of



the like amount each to the satisfaction of learned C.J.M.,
Sitamarhi in connection with Bathnaha P.S. Case No.165 of
2018, subject to the conditions as laid down in Section 438(2) of
the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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