

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58872 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- MAHISHI District- Saharsa

-
1. Bechan Sah @ Bechan Laheri Son of Laxmi Sah Resident of Village - Kundah, Ward No.- 4, P.S.- Mahishi (Jalai O.P.), District - Saharsa.
 2. Arjun Sah @ Arun Laheri @ Arun Sah @ Arjun Kumar Laheri Son of Bechan Sah @ Bechan Laheri Resident of Village - Kundah, Ward No.- 4, P.S.- Mahishi (Jalai O.P.), District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Ms.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-09-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Mahishi Police Station Case No. 317 of 2023, dated 05.12.2023, disclosing offences punishable under Sections 147/149/341/323/307/504/506 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the accused persons were making fence in the field of the informant and when the informant objected, the petitioner assaulted the informant on his head by means of spade, causing injury on his head.



4. Learned Counsel for the petitioners submits that the petitioners are innocent and have not committed any offence in the manner alleged and the petitioners are the own brothers of the informant. He further submits that the injury caused to the informant by the petitioner no. 1 is simple in nature and there is no overt act alleged against the petitioner no. 2.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that there is no overt act attributable to the petitioner no. 2 and the injury sustained by the informant by the hands of petitioner no. 1 is simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sahaesa, in connection with Mahishi Police Station Case No. 317 of 2023, subject to the condition laid down under Section



438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√	T	√
---	---	---	---

