

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62464 of 2023

Arising Out of PS. Case No.-83 Year-2022 Thana- BHAGWANPUR District- Begusarai

Gauri Shankar Mahto, aged about 68 years, Male, S/O Late Lakhi Chand Mahto @ Lakhi Mahto, R/O Village- Barhara, Ward No. 1, P.S. Bhawanipur, Dist. Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Chandan Kumar Kashyap, Advocate
For the Opposite Party : Mr. Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 10-01-2024 This matter has been listed under the heading ‘For orders (on office notes)’.

2. Let the defect no. 6(1), as pointed out by the office notes dated 08.01.2024, be ignored.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

4. The petitioner is apprehending his arrest in connection with Bhagwanpur P.S. Case No. 83 of 2022 dated 05.05.2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 307 and 353 of the I.P.C.

5. As per the prosecution case, on 05.05.2022 at



about 9.00 A.M., the officer-in-charge, Bhagwanpur, got information that in the village- Banhara, there is fighting between the two groups. Thereafter, he proceeded alongwith the police party to verify the same. After reaching there, the police party attempted to settle the dispute but they began to disturb the police party. Thereafter, informing the senior police officer, he lodged the present case against the first party Shivam Mahto and ten others and the second party Md. M. Jahid and six others including the petitioner as they commit assaulted with the police personnel and used force to deter public servants to discharge of their duties.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioner and there is no specific allegation of any assault or any overt act against the petitioner. Other co-accused persons have been granted anticipatory bail by another Co-ordinate Benches of this Court vide Cr. Misc. No. 39857 of 2022 under order dated 02.11.2022, Cr. Misc. No. 45022 of 2022 under order dated 16.11.2022 and Cr. Misc. No. 39955 of 2023 under



order dated 28.07.2023, annexed as Annexure-2 series to the bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

7. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Begusarai, in connection with Bhagwanpur P.S. Case No. 83 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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