

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63074 of 2024

Arising Out of PS. Case No.-386 Year-2020 Thana- SAUR BAZAR District- Saharsa

1. Surendra Mehta @ Surendra Mehta, S/O Late Bhentoo Mehta R/O Village- Samda Ward No. 11, P.S- Sour Bazar, Distt.- Saharsa.
2. Neelam Devi, W/o Surendra Mehta @ Surendra Mehta R/O Village- Samda Ward No. 11, P.S- Sour Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-10-2024 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Saur Bazar P. S. Case No. No. 386 of 2020 dated 08.10.2020 registered for the offence(s) punishable under Section(s) 341, 323, 308, 354, 379, 504 read with Section 34 of the Indian Penal Code.

3. The main submissions advanced by the learned senior counsel for the petitioners are that both the petitioners have fair and clean antecedent, in the present matter three persons including the informant are said to have sustained injuries in the alleged occurrence but the doctor concerned has



not given any opinion with regard to the nature of injury in respect of the injured informant, however, only two injuries have been found on his person which were superficial in nature and in the order impugned the learned trial court has described both the said injuries as simple and two other persons who are said to be Poonam Devi and Girish Kumar sustained simple injuries and in the alleged occurrence no fatal weapon was used as according to the medical opinion, only hard and blunt object was used in assaulting the said injured persons. Learned senior counsel further submits that both the parties are agnates and a construction dispute running in between both the parties at the relevant time, is said to be the genesis of the occurrence and further against the petitioner no.1 there is no specific allegation and the FIR has been registered against four persons including the petitioners and the allegation as to assault is a general and omnibus and any specific role of the petitioners in the said assault has not been revealed.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioners.

5. Considering the facts and circumstances of this case as well as above submissions and the nature of allegation appearing against the petitioners from the FIR and coupled with



fair and clean antecedent of the petitioners and also the genesis of the occurrence, this court is inclined to accept the anticipatory bail prayer of the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Saur Bazar P. S. Case No. 386 of 2020 on furnishing bail bond of Rs.20,000/-(Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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