

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70613 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- GOPALPUR District- West Champaran

1. Sipahi Mahto, Son of Late Chokat Mahto R/O-Village- Sargatiya, Ward No. 11, P.S.- Gopalpur, District.- West Champaran, Bettiah
2. Anil Kushwaha @ Anil Kumar Son of Vishun Mahto @ Vishun Kushwaha R/O-Village- Sargatiya, Ward No. 11, P.S.- Gopalpur, District.- West Champaran, Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-10-2024 1. Heard Mr. Deovind Kumar Singh learned counsel for the petitioners and Ms. Suman Kumari Singh, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Gopalpur P.S. Case No. 90 of 2024 dated 26.06.2024 registered for the offence(s) punishable under Section(s) 341, 323, 324, 307, 354B, 379, 504, 506 read with Section 34 of the Indian Penal Code.

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



injury reports have been filed before this Court vide Annexure-P-2 series and the same show that the said injured persons sustained simple injuries and altogether eight persons including the petitioners have been named in the FIR and there is no specific allegation against the petitioner no.2, though the petitioner no. 2 is alleged to have assaulted at the head of the informant but there is no corresponding injury to the informant and further her injuries have been opined to be simple in nature. It is further submitted that in fact, there was some scuffle in between both the parties on the alleged day and time which was pacified by the villagers but thereafter the informant proceeded to lodge the FIR and petitioners did not take any legal action regarding that occurrence considering the good relation having restored in between both the parties.

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

5. Considering the seriousness of the allegation appearing against the petitioner no. 1 (Sipahi Mahto) who allegedly assaulted at the head of the informant by means of rod and the same gets corroboration from injury report, this Court is not inclined to grant the relief of anticipatory bail to the **petitioner no.1 (Sipahi Mahto). Accordingly, his prayer**



stands rejected.

6. So far as the prayer of petitioner no.2 (Anil Kushwaha @ Anil Kumar) is concerned as against him there is no specific allegation of assault and he has fair and clean antecedent and is also a young person, considering these aspects, **this Court is inclined to grant the relief of anticipatory bail to the petitioner no. 2 (Anil Kushwaha @ Anil Kumar).** Accordingly, let the petitioner no.2 (Anil Kushwaha @ Anil Kumar), in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Gopalpur P.S. Case No. 90 of 2024 on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) 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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