

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73569 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- MEDNI CHAUKI District- Lakhisarai

1. KARE MAHTO SON OF DEVI MAHTO RESIDENT OF VILLAGE - BHIRHA, P.S. - MEDNI CHOWKI, DISTRICT - LAKHISARAI
2. MAHESH MAHTO SON OF DIGO MAHTO RESIDENT OF VILLAGE - BHIRHA, P.S. - MEDNI CHOWKI, DISTRICT - LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 05-03-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Mednichowki P.S. Case No. 67 of 2023 dated 18.05.2023 registered under Sections 341, 323, 307, 379 / 34 of the I.P.C.

3. As per the First Information Report on 18.05.2023 when the informant was constructing the house, all the eight accused persons including the petitioners along with 5-6 unknown person arrived there, assaulted the informant and his family members by *lathi*, *danda*, rod etc., due to which they sustained injuries. It has been alleged that the petitioner no. 1 / Kare Mahto snatched Rs. 2000/- from the pocket of the informant.

4. Learned counsel for the petitioners submits that both the parties are agnates and there is land dispute between them as



would be evident from the F.I.R. itself. He further submits that a counter case has also been lodged from the side of the petitioners bearing Medni Chowki P.S. Case No. 66 / 2023 which was registered prior to the present case. Learned counsel further submits that injuries caused to the informant and others are simple in nature.

5. Learned counsel for the State referring to the case diary submits that though injuries are simple in nature but there is allegation of assault against the petitioners and others and the petitioners are seeking anticipatory bail which may not be considered in the facts of the case.

6. Regard being had to the submission made by the parties, taking into consideration the omnibus nature of allegation and the fact that both the parties are agnates, there is land dispute between the parties and case and counter case is also there, as such, I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Deobrat Kumar JM 1st Class Lakhisarai in connection with



Medni Chowki P.S. Case No. 67 of 2023 subject to the condition
as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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