

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78787 of 2024**

Arising Out of PS. Case No.-87 Year-2024 Thana- GAIGHAT District- Muzaffarpur

Santosh @ Santosh Kumar @ Santosh Mahto Son of Premlal Mahto R/O-  
Village- Jarang Malah Toli, P.S.- Gaighat, District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Brahmaputra Singh Ishu

: Ms. Poonam Kumari

For the Opposite Party/s : Mr. Shyameshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

**ORAL ORDER**

2      28-11-2024                      1. Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Gaighat Police Station Case No. 87 of 2024, disclosing offences under Sections 341, 323, 324, 307, 504, 506, 34 of the Indian Penal Code.

3. As per the FIR, on 23.03.2024, at about 8:30 pm in the evening, while the son of the informant was standing near the road, the petitioner along with four accused persons assaulted the informant's son on his head by means of axe.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case as a counterblast to the FIR lodged by him for an incident which had taken place on 23.03.2024 bearing Gaighat P.S. Case No. 95 of 2024 in which informant, his son (victim) and other family members were made accused. After lodging the FIR by the



petitioner, the present FIR has been lodged on the basis of concocted story after a delay of five days on 28.03.2024 for an incident which had allegedly taken place on 23.03.2024.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the FIR lodged by the petitioner against the informant and others is prior in time on the basis of his fardbayan recorded by the police in the hospital and there is a delay of five days in lodging the present FIR by the informant, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 Judicial Magistrate 1<sup>st</sup> Class, (East) Muzaffarpur, in connection with Gaighat Police Station Case No. 87 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

HarshPandey/-

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