

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83753 of 2024

Arising Out of PS. Case No.-156 Year-2015 Thana- PIRO District- Bhojpur

1. Mahesh Singh @ Mahesh Kumar Singh S/O Jag Narayan Singh Resident of Vill-Rojhahi Tola, P.S.-Piro, Dist-Bhojpur.
2. Uday Prakash Tyagi S/O Mahesh Singh @ Mahesh Kumar Singh Resident of Vill-Rojhahi Tola, P.S.-Piro, Dist-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
		Mr. Md. Dilshad Alam, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Piro P.S. Case No. 156 of 2015 dated 01.05.2015, instituted for the offence punishable under Sections 323, 341, 307/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 01.05.2015 at about 04:00 pm, when the informant went out from his house for going to market, some people attacked him with an intention to kill. It is further alleged that petitioners assaulted the informant with lathi due to which, he sustained injury over his head.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner no. 1 and the informant are cousin. Petitioner no. 2 is the son of petitioner no. 1. There is a land dispute between the parties due to which the petitioners have been falsely implicated in this case. It is further submitted that the FIR has been sent to the concerned Magistrate by the police after the delay of five days without any plausible explanation. Learned counsel further submitted that immediately after the occurrence, the informant instead of getting himself treated went directly to the police station and submitted a written application. This conduct of the informant shows that he had not sustained any serious injuries. It is next submitted that the police has submitted charge-sheet only under Sections 323, 341, 308, 504, 506/34 of the I.P.C and subsequently, the learned Magistrate took cognizance under the same sections. On 19.12.2023, the learned court below issued warrant of arrest for appearance of the petitioners and thereafter, the petitioners moved for bail. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Piro P.S. Case No. 156 of 2015, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Bhojpur at Ara/Sucessor Court, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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