

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2402 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- PUSA District- Samastipur

Ram Karan Mahto, Son of Late Shiv Nandan Mahto, R/O Village- Harpur
Pusa, P.S.- Pusa, Dist.- Samastipur, At Present Shivpuri, West Sagarpur, South
West Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mr. Dilip Kumar Roy, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Pusa P.S. Case No. 53 of 2023 registered for the offences punishable under Sections 147, 148, 323, 324, 325, 354, 379 and 308 of the Indian Penal Code. Later on Section 307 of the Indian Penal Code has been added.

3. Allegedly while the accused persons indulged in constructing hut over the land of the informant and when the same was protested, the accused persons got enraged and on the next day all the accused persons variously armed came there and assaulted the informant and his family members, due to which



they sustained serious injuries.

4. It is submitted on behalf of the petitioner that on account of a long standing land dispute, both the parties entered into a free fight, resulting into case and counter case, bearing Pusa P.S. Case No. 54 of 2023. Further submission has been made that allegedly the incident took place on 28.04.2023, but the present F.I.R. has been instituted on 02.05.2023 and the same has been sent to the concerned court on 09.05.2023, without there being any explanation by the prosecution and, as such, false implication of the petitioner cannot be ruled out. He next submits that co-accused persons, having identical allegation, have already been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court vide order dated 17.08.2023 in Cr. Misc. No. 52920 of 2023. The petitioner bears fair antecedent.

5. On the other hand, learned APP for the State opposes the bail application and submits that the informant has sustained grievous injury.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the case and the counter case, apart from the fact that the co-accused persons, having identical allegation, have already been



allowed the privilege of anticipatory bail, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Samastipur in connection with Pusa P.S. Case No. 53 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

