

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22598 of 2025

Arising Out of PS. Case No.-452 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

1. Mahesh Kharwar @ Mahesh Kumar S/o Late Shambhu Prasad Kharwar Resident of Ward no 25, South Muhalla, P.S- Bhabua, Distt.- Kaimur (Bhabua)
2. Chandrashekhar Kumar @ Chandrasekhar S/o Rampyare Sah R/o Mahaveer Sthan, ward no. 25, Purab Muhalla, P.O.- Bhabua, P.S.- Bhabua, Distt.- Kaimur at Bhabua

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar, Advocate
		Mr.Vinod Kumar Seth, Advocate
For the Opposite Party/s :		Mr.Anand Kishore Choudhary,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Bhabua P.S. Case No. 452 of 2023 registered for the offences punishable under Sections 147, 149, 341, 342, 323, 307, 379 of the Indian Penal Code.

3. As per case of the prosecution that petitioners along with 40 to 50 persons having armed with lathi-danda attacked on the son of the informant, assaulted him, and thereafter snatched Rs. 15000/-.

4. Learned counsel appearing on behalf of the petitioners submitted that informant is not an eye witness of the alleged



occurrence and entire implication raised on the basis of hearsay input. It is further pointed out that allegation *qua* physical assault appears very much general and omnibus against the petitioners and, moreover, injuries, as alleged to be caused upon son of the informant, appears simple in nature *prima-facie* negating the intention to cause death or to suggest that same may likely to cause death. While concluding argument, learned counsel submitted that petitioner no. 1 found involved in four criminal cases, where he is on bail, whereas petitioner no. 2 found involved in one more criminal case and also on bail. It is also pointed out that similarly situated co-accused persons have also granted privilege of anticipatory bail by learned coordinate Bench of this Court through Cr. Misc. No. 9599/2025 dated 07.03.2025, and therefore, on the ground of judicial parity, these petitioners also deserve anticipatory bail.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. In view of the aforesaid factual submissions as nature of injuries, which found simple upon medical examination and further by taking note of the fact as allegation *qua* physical assault appearing very much general and omnibus against the petitioners, accordingly, both above-named petitioners, in the event of their



arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Bhabua P.S. Case No. 452 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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