

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39376 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Braj Kishore Gupta, son of Sambhu Sah, resident of village- Shripur
Bishunpur, Police Station- Sugauli, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. R.B.Roy Raman(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 05-10-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 147,
148, 149, 302, 307, 323, 324, 325, 120B of the Indian Penal
Code and 27 of the Arms Act.

The prosecution case is that the brother of
the informant was going to plough the land when this petitioner
assaulted with iron rod on his head when the informant went to
rescue then the other accused persons made assault to him and
his brother. The brother of the informant succumbed to the
injuries when the villagers put the tractor and Scorpio standing

near the field on fire.

It is submitted by learned counsel for the petitioner that there is specific accusation against the petitioner to have made assault on the head of the brother of the informant. The post-mortem report does not reflect any injury on the head. Two bruises over the left scapular region have been found, though, the brain and meninges were found congested. There is a counter version of the occurrence also. For the occurrence of 21.01.2015 at 9.30 A.M. the FIR was registered on 22.01.2015 at 4.00 P.M. and other co-accused persons Shambhu Sah, Nand Kishore Gupta, Raj Kishore Gupta and Shyam Kishore Gupta have been granted anticipatory bail vide Cr. Misc. No. 15234 of 2015. Though, the petitioner is accused in four other cases but all the cases were registered under minor provisions of the Penal Code and SC/ST Act.

Considering the fact that the accusation is not being corroborated with the medical opinion, delayed lodging of the case and the similarly situated accused persons have been granted anticipatory bail, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of

Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Sugauli P.S. Case No. 19 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)

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