

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34402 of 2018

Arising Out of PS.Case No. -71 Year- 2018 Thana -HATHUA District- GOPALGANJ

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1. Om Prakash @ Om Prakash Gupta, son of Late Rghunath Sah
 2. Jai Prakash Gupta @ Jai Prakash Gupta, son of Late Rghunath Sah
 3. Santosh Prasad Gupta @ Santosh Kumar Gupta son of Late Rghunath Sah
 4. Rajendra Prasad Gupta, son of Satyanarayan Sah All 1-4 resident of Village- Naya Bazar Hathua, P.S.- Hathwa, District- Gopalganj.
 5. Jawahir Prasad @ Jawahar Prasad @ Jawahar Prasad Gupta, son of Late Satya Narayan Prasad Gupta, resident of Village- Selar Khurd, P.S.- Phulwaria, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5
For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 29-06-2018 Heard both sides.

The petitioners apprehend their arrest in Hathwa P.S.
Case No.71/2018, registered under Sections 341, 323, 324, 308,
379, 504 and 34 of the Indian Penal Code.

The informant Ritesh Kumar named the petitioners and others and alleged that they all were armed with farsha and lathi and breaking the fence of the wall made by bamboo. When the informant objected, all the accused persons assaulted him with farsha and lathi on his head. The informant got head injury.

Learned counsel for the petitioners submits that there is



a counter version. The wife of petitioner no.1 Om Prakash lodged Hathwa P.S. Case No.74 of 2018, in which, petitioner no.1 Om Prakash got grievous injury and he was admitted in Gorakhpur hospital. It is further submitted that on perusal of the injury report of informant, it would appear that he got three incised wounds on his left hand and one lacerated wound on frontal region of scalp. The doctor through supplementary report added one more injury on right side head of humorous but in preliminary examination by the doctor, the doctor did not find any injury on the right side of the head of humorous. The victim himself did not allege that he got many injuries on shoulder or left hand. The informant alleged that he got injury on head but the doctor did not find any injury on head.

Learned A.P.P. however vehemently opposed the prayer for anticipatory bail.

Perused the record. It appears that there is a case and counter case on account of land dispute. The wife of the petitioner no.1 Om Prakash alleged that the informant of the present case and others brutally assaulted her husband and other family members. Her husband got grievous injury and accordingly he was admitted at Gorakhpur hospital. There is a land dispute between the parties.



Considering the aforesaid fact, the petitioners above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj, in connection with Hathwa P.S. Case No.71/2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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