

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3856 of 2018

Arising Out of PS. Case No.-247 Year-2016 Thana- BHORE District- Gopalganj

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Dipak Gupta @ Deepak Kumar Gupta, Son of Jai Karan Gupta, R/o Village Mathauli, P.S. Bhorey, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate

For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner seeks bail in connection with Bhorey P.S. Case No. 247 of 2016 registered for the offence punishable under Section 307 and other allied sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while his son Ravi Kishan Mishra was going to play cricket, petitioner along with three others surrounded him and on the order of co-accused Paras Gupta, petitioner assaulted his son by means of farsa and other co-accused also assaulted his son by means of bat, hockey stick, lathi and wicket, as a result of which, he got seriously injured and was taken to hospital for treatment.



It has been submitted by the learned counsel for the petitioner that he is innocent, the dispute resulted in free-fight between the parties for which petitioner's mother had also lodged First Information Report, bearing Bhorey P.S. Case No. 254 of 2016 for the same occurrence in which petitioner also sustained injuries and was treated in the hospital for ten days. He submits that the injury alleged to have been caused by the petitioner is by means of farsa, but the injury report suggests injury caused by hard blunt substance. He submits that petitioner is languishing in judicial custody since 01.12.2017 and is ready to cooperate during investigation.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner did not surrender within the time granted by this Court while rejecting his anticipatory bail application and there is specific allegation against the petitioner and the injuries have been found to be grievous in nature.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on completion of six months in judicial custody on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of



the learned Chief Judicial Magistrate, Gopalganj in connection with Bhorey P.S. Case No. 247 of 2016, subject to the condition that both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.

(Nilu Agrawal, J.)

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