

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31647 of 2018**

Arising Out of PS. Case No.-90 Year-2014 Thana- KHAIRA District- Jamui

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Gopal Modi, son of Late Huro Modi, Resident of Village- Panbhanrva, P.S.  
Khaira, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2     31-05-2018                      Heard the learned counsel for the petitioner and the  
  
learned APP for the State.

The petitioner seeks regular bail in connection with  
  
Khaira P.S. Case No. 90 of 2014, registered for the offence  
  
punishable under Sections 141, 149, 323, 341, 325, 504, 307,  
  
354 and 379 of the Indian Penal Code.

The case of the prosecution in short is that the  
  
accused persons, variously armed, came at the place of  
  
occurrence and started cutting the jack-fruit tree of the  
  
informant. Upon protest being made by the informant, scuffle  
  
took place in between the accused side and prosecution side  
  
resulting in injuries to both the sides.

The learned counsel for the petitioner submits that  
  
as far as the petitioner is concerned, he is stated to have  
  
assaulted the brother of the informant, namely, Laxman  
  
Yadav resulting in injury on his finger. The learned counsel  
  
further submits that in the scuffle, both the sides have



received injuries and the present case arises out of a case and counter case. It is further submitted that the petitioner herein has been grievously injured by the informant side of this case and as far as the injury received by the aforesaid Laxman Yadav is concerned, it is minor in nature and not fatal so as to cause death of the said Laxman Yadav. It is lastly submitted that the co-accused persons have already been released on anticipatory bail by an order dated 01.12.2015 passed by this Court in Criminal Miscellaneous No. 54449 of 2015. The petitioner is stated to be having a clean antecedent and he is languishing in custody since 31.03.2018.

Having regard to the facts and circumstances of the case and also the fact that similarly situated co-accused person has been allowed bail by this Court, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged 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 J.M. 1<sup>st</sup> Class, Jamui in connection with Khaira P.S. Case No. 90 of 2014.

**(Mohit Kumar Shah, J)**

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