

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.42059 of 2019

Arising Out of PS. Case No.-61 Year-2019 Thana- VISHNUPAD District- Gaya

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1. Manoj Lal Guput (age -51 , Gender-Male) Son of Late Kanhaiya Lal Guput
 2. Chandan Kumar Guput @ Chandan lal (age 25, Gender -male) Son of Kalu Lal Guput
 3. Ashok Kumar Guput @ Baua Guput (age-41, Gender-Male), Son of Radhey Lal Guput
All Resident of Mohalla - Devchaura, P.S.- Vishnupad, District – Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Rabindra Kumar Priyadarshi, Advocate
For the State	:	Dr. Mrityunjaya Kr.Gautam, APP
For the Informant	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Pramod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-07-2019 Heard learned senior counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 324, 325, 307, 504, 379 and 34 of the Indian Penal Code registered in connection with Vishnupad P.S. Case No. 61 of 2019.

3. It is submitted that the petitioners have been falsely implicated in a dispute between the two groups of Panda in course of performing Pinddan in the campus of Vishnupad Temple at Gaya. There is case and counter case and both the sides have sustained injuries. The petitioner no. 1 is said to have climbed on the chest of the informant while petitioner no. 3 is said to have wrapped



Gamachha from the informant's neck and dragged him on the ground and petitioner no. 2 allegedly snatched Rs.4,500/- from the informant. Petitioner nos. 1 and 3 are accused in one prior case each while petitioner no. 2 claims lean antecedents.

4. Mr. Krishna Prasad Singh, learned senior counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail, submitting that there is direct accusation against the accused persons and the injuries sustained by the informant are grievous in nature.

5. Be that as it may, in the event of arrest or surrender of the petitioners before the court below within six weeks from the date of communication of this order, let petitioner no. 2 be released on bail and petitioner nos. 1 and 3 on provisional bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Vishnupad P.S. Case No. 61 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with further conditions --

(i) That one of the bailors of each of petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The provisional bail granted to petitioner nos. 1 and 3 shall be confirmed upon verification by the learned court below,



preferably within a period of four weeks after furnishing bail bonds,
that the injuries sustained by the informant are not grievous in nature,
failing which their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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