

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45285 of 2019**

Arising Out of PS. Case No.-62 Year-2019 Thana- VISHNUPAD District- Gaya

1. GOPI DHOKRI @ GOPI KUMAR DHOKRI Son of Basu Lal Dhokri Resident of Mohalla - Panchmahulla Krishna Dwarika, P.S.- Vishnupad, District - Gaya.
2. Shivam Dhokri @ Shivam Kumar Dhokri Son of Kanhaiya Lal Dhokri Resident of Mohalla - Panchmahulla Krishna Dwarika, P.S.- Vishnupad, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                      |   |                                        |
|----------------------|---|----------------------------------------|
| For the Petitioner/s | : | Mr. Krishna Prasad Singh, Sr. advocate |
| For the Informant    | : | Mr. Yogesh Chandra Verma, Sr. advocate |
| For the State        | : | Mr. Harendra Prasad, APP               |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      23-07-2019                      Heard Sri Krishna Prasad Singh, the learned senior counsel for the petitioners, the learned APP and Sri Yogesh Chandra Verma, the learned senior counsel for the informant.

The petitioners apprehend their arrest in Vishnupad P.S. case No. 62 of 2019 registered under Section 307, 379, 341, 323, 324, 325, 504, 34 of the IPC.

The informant, Mukesh Lal Guput, alleged that on 28.03.2019, while he was performing Puja with his Jajman along with his family members, Chotu Guput, Munnu Guput and Lalu Lal Guput, the accused persons including the petitioners came in front of main gate of the Vishnupad Mandir with intention to rob the informant and his Jajman. It is further



alleged that Nandu Lal Dhokri pushed the informant and exhorted to kill. On such, Gopi Dhokri and Shivam Dhokri, the petitioners, are alleged to have caught the informant. Aman Dhokri is alleged to have assaulted the informant with iron rod which hit on the chest of informant. Nandu Lal Dhokri is alleged to have assaulted the informant with Lathi on his head. Vinay Dhokri also assaulted the informant with iron rod on his head and back. When Chotu Guput and Munnu Guput came to save, Lakhan Lal Dhokri assaulted Munnu Guput with Garasa but the blow hit on the head of Munnu Guput. Again Lakhan Lal Dhokri assaulted with Lathi which caused injury in the eye and ear of Munnu Guput and he lost his eye and hearing.

The learned senior counsel for the petitioners submits that petitioners are Pandas of Vishnupad Mandir, Gaya. They have Jajmans and they do worship with their Jajmans. There is counter version being Vishnupad P.S. case No. 61 of 2019, which was registered on the basis of fard bayan of Aman Dhokri, against the informant Mukesh Lal Guput and others. The allegation that the petitioners had come with intention to rob the informant, his family members and Jajman is absolutely false. Some dispute arose between two sides on the allegation against each other that they persuaded his Jajman and took



money from them after offering Puja. It is further submitted that there is no allegation of assault against the petitioners. From the side of petitioners four persons got injuries. It is further submitted that although the petitioners have got criminal antecedent but both the cases are of petty nature.

On the other hand, Mr. Yogesh Chandra Verma, the learned senior counsel for the informant, at his full command, vehemently opposed the prayer for anticipatory bail and submitted that petitioners tried to misled the court. The petitioners are accused in Civil Lines P.S. case No. 79 of 2010, which was registered u/s 379 and some other Sections of the IPC but Section 379 of the IPC has not been mentioned. Similarly, FIR in Vishnupad P.S. case No. 155 of 2017 was registered u/s 307 and other Sections of the IPC but Section 307 of the IPC has not been mentioned. It is further submitted that on this ground alone that the petitioners have got criminal antecedent they do not deserve anticipatory bail.

Mr. Krishna Prasad Singh, the learned senior counsel for the petitioners, submits that there is no error. FIR of Vishnupad P.S. case No. 155 of 2017 was registered u/s 341, 323, 324, 379, 504 of the IPC but later on the court is said to have taken cognizance u/s 307 of the IPC also.



Perused the records.

It appears that, of course, the petitioners are named in the FIR but they are alleged to have caught the informant only. There is no allegation that petitioners either assaulted the informant or anybody else, who are injured in the occurrence. The dispute between two sides, who are Pandas of Vishnupad temple, appears to have taken place on account of snatching of Jajmans.

Considering the facts aforesaid and nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Vishnupad P.S. case No. 62 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

BKS/-

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