

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62591 of 2019**

Arising Out of PS. Case No.-228 Year-2019 Thana- BHORE District-
Gopalganj

- =====
1. PINTU GUPTA Son of Rajaram Gupta Resident of Village- Haradiyan, P.S.- Bhore, District- Gopalganj.
 2. Shyam Gupta Son of Mohan Gupta Resident of Village- Haradiyan, P.S.- Bhore, District- Gopalganj.
 3. Shivji Sah @ Shivaji Sah Son of Sukhari Sah Resident of Village- Haradiyan, P.S.- Bhore, District- Gopalganj.
 4. Dharmendra Gupta Son of Umashankar Gupta Resident of Village- Haradiyan, P.S.- Bhore, District- Gopalganj.
 5. Upendra Gupta Son of Umashankar Gupta Resident of Village- Haradiyan, P.S.- Bhore, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar Pandey No.5, Advocate.
For the Opposite Party: Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-10-2019 Learned counsel for the petitioner states that the petitioner no. 3 has been arrested and as such the anticipatory bail petition has become infructuous and seeks permission to withdraw the same.

2. Permission is accorded. The anticipatory bail petition of petitioner no. 3 stands dismissed as withdrawn.

3. The petitioners (except petitioner no. 3) apprehend their arrest for the offences alleged under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code registered in



connection with Bhore @ Bhorey P.S. Case No. 228 of 2019 (G.R. No. 2089 of 2019).

4. It is submitted that the petitioners (except petitioner no. 3) have been falsely implicated in the backdrop of dispute as the parties are neighbours and there is case and counter case between the parties. The F.I.R. has been instituted against as many as 16 persons including the petitioners. The specific accusation of assault has been made against other co-accused persons whereas such accusation against the petitioner nos. 1, 2, 4 and 5 are general and omnibus without any specific assault attributed individually by them. In any event the injuries sustained by the informant's grand son Gufran Ansari are simple in nature. The petitioners claim clean antecedents.

5. Be that as it may, in the event of the petitioners (except petitioner no. 3) arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners (except petitioner no. 3) be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Bhorey P.S. Case No. 228 of 2019 (G.R. No. 2089 of 2019) subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -



(i) That one of the bailors shall be a close relative of the petitioners (except petitioner no. 3).

(ii) That the petitioners (except petitioner no. 3) shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners (except petitioner no. 3) 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.

(iv) That the petitioners (except petitioner no. 3) 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.

(Vikash Jain, J)

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