

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30325 of 2020

Arising Out of PS. Case No.-214 Year-2019 Thana- GOPALPUR District- Gopalganj

1. OM PRAKASH PRASAD Son of Late Jagarnath Sah Resident of Village - Semra Bazar, P.S.- Gopalgpur, District - Gopalganj
2. Krishna Prasad Son of Late Jagarnath Sah Resident of Village - Semra Bazar, P.S.- Gopalgpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioners seek regular bail in connection with Gopalgpur P.S. Case No. 214 of 2019 for the offence punishable under Sections 307, 379, 504 and other allied sections of the Indian Penal Code.

The allegation is regarding the accused persons, including the petitioners herein, having had an altercation with



the informant in relation to cutting of rosewood tree situated in the field of the informant, whereafter the accused persons are stated to have assaulted the informant and his father.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are languishing in custody since 02.03.2020. The learned counsel for the petitioners has further submitted that as far as the petitioner no.1 is concerned, he is alleged to have assaulted the father of the informant, namely Yogendra Prasad, however, the injury sustained by the said Yogendra Prasad has been found to be simple in nature. It is also submitted that as far as the petitioner no.2 is concerned, he is stated to have assaulted the informant and though the informant is stated to have received grievous injury but the same is on the non-vital part of his body. Lastly, it is submitted that the present case arises out of a case and counter case.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioners.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the period of



incarceration of the petitioners herein as also the fact that the injuries are not serious enough to be classified in the category of being fatal in nature, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the petitioners, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gopalganj in connection with Gopalpur P.S. Case No. 214 of 2019.

(Mohit Kumar Shah, J)

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