

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35410 of 2020

Arising Out of PS. Case No.-500 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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PREM SAH Son of Late Shankar Sah Resident of Village - Mukeri Tola, P.S.
- Gopalganj Town, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-12-2020 Heard Mr. Ranjeet Kumar Pandey, learned counsel for

the petitioner and Mr. Nawal Kishore Prasad, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Learned counsel for the petitioner submits that due to
typographical error, the P.S. case number has wrongly been
typed in paragraph-1 of the bail application inasmuch as it has
been mentioned as Gopalganj Town P.S. Case No. 500 of 2010
instead of Gopalganj Town P.S. Case No. 500 of 2019.
Accordingly, learned counsel for the petitioner seeks permission
to make necessary correction in paragraph-1 of the bail
application regarding P.S. Case number.

Permission is granted.



Let Gopalganj Town P.S. Case No. 500 of 2019 be read in place of Gopalganj Town P.S. Case No. 500 of 2010.

Petitioner seeks regular bail in connection with Gopalganj Town P.S. Case No. 500 of 2019 registered for the offence punishable under Section 302/34 of the Indian Penal Code 1860.

The allegation as per the First Information Report is that on 23.09.2019 at about 7:00 p.m. when the brother of the informant was going by Motorcycle along with villager and as soon as they turned towards Mukeri Tola from the main road, the petitioner along with other co-accused persons surrounded the brother of the informant and assaulted him with fists and slaps. It has further been alleged that co-accused Govind Prasad ordered to kill his brother. Thereafter, Lakshman Prasad started assaulting the brother of the informant with iron rod with intention to kill him and when the informant tried to intervene in the matter, the petitioner and co-accused Rajendra Chaudhary having pistol (*Katta*) in their hand, threatened to kill them.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to previous land dispute between the parties. Learned counsel further submits that the petitioner is co-sharer of the informant



and the civil suit is pending between the parties. Learned counsel also submits that from perusal of the First Information Report, it would be evident that specific allegation of assault is against Lakshman Prasad and no specific allegation of assault is there against the petitioner. Learned counsel next submits that the petitioner is in custody since 27.5.2020 and the similarly situated co-accused person has been granted regular bail by a co-ordinate Bench of this Court in Cr. Misc. 6183 of 2020. Learned counsel next submits that the occurrence has allegedly taken place on 23.09.2019, but the present First Information Report has been lodged after unexplained delay of about 10 days i.e. on 06.10.2019.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that no specific allegation of assault is against the petitioner, the petitioner is in custody since 27.5.2020, the charge sheet has already been submitted against the petitioner and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj Town P.S. Case No. 500 of 2019.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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