

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78299 of 2019

Arising Out of PS. Case No.-279 Year-2019 Thana- KRITYANAND NAGAR District- Purnia

1. Ramnath Gupta, aged about 55 years (male),
2. Anant Gupta, aged about 45 years (male),
3. Mahesh Gupta, aged about 38 years (male),
All sons of Late Badri Gupta, R/O Chapanager, P.S.- K. Nagar
(Champanagar), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N K Agrawal, Senior Advocate Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s	:	Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 26-08-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. N K Agrawal, learned senior counsel along with Dr. Bidhu Ranjan, learned counsel for the petitioners and Mr. Nitya Nand Tiwary, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with K Nagar (Champanagar) PS Case No.279 of 2019 dated 24.07.2019, instituted under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

4. The allegation against the petitioners and one other is of causing grievous injury by *Dabiya* and brickbats with an



intention to kill.

5. Learned counsel for the petitioners submitted that the allegations are false as in the FIR itself it has been stated that all the accused were constructing a fence over a piece of land on the basis of agreement with Rina Devi, daughter of co-accused Domi Gupta, and there was some altercation. Learned counsel submitted that the falsity of the allegation would be proved from the fact that injuries have been found to be simple, though it has been alleged that co-accused Domi Gupta had inflicted *Dabiya* on the head of the husband of the informant, which resulted in bleeding and the petitioner no.1 caught hold the husband of the informant and the petitioners no. 2 and 3 had assaulted him with brickbats and also had taken out rupees seventeen thousand and a gold chain. Learned counsel submitted that the Injury Report discloses the nature of injury to be simple. Further, it was submitted that the petitioners have no criminal antecedent and the so-called main assailant Domi Gupta, who is said to have inflicted *Dabiya* blow on the head, has been granted anticipatory bail by a coordinate Bench on 05.11.2019 in Cr. Misc. No.69413 of 2019.

6. Learned APP submitted that there is allegation of inflicting serious injuries with intention to kill. However, he could not controvert the fact that the Injury Report discloses that



same was simple in nature.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea, in K Nagar (Champanagar) PS case No. 279 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that one of the bailors shall be a close relative of the petitioners and (ii) the petitioners shall cooperate in the matter, both with the police/prosecution and the Court and shall appear before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

