

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78925 of 2019

Arising Out of PS Case No.-148 Year-2019 Thana- BRAHMPURA District- Muzaffarpur

1. Ashok Kumar Gupta (Male), aged about 67 years, Son of Late Hiralal Sah.
2. Sandeep Kumar @ Dharmesh Kumar (Male), aged about 32 years, Son of Ashok Kumar Gupta.
3. Ashish Kumar @ Vikky Kumar (Male), aged about 30 years, Son of Ashok Kumar Gupta.
4. Dilip Kumar @ Dilip Kumar Gupta (Male), aged about 65 years, Son of Late Hiralal Sah.
5. Chandra Prakash @ Chandu (Male), aged about 29 years, Son of Sri Dilip Kumar Gupta.

All residents of Village - Soda Godam, Ward No. 3, Tatma Toli, P.S.-
Brahmpura, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate

For the State : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 22-09-2020

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



2. Heard Mr. Ramchandra Singh, learned counsel for the petitioners and Mr. Ajay Kumar Jha, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Brahmpura PS Case No. 148 of 2019 dated 03.06.2019, instituted under Sections 341, 323, 324, 307, 504, 506, 379/34 of the Indian Penal Code.

4. The allegation specifically against petitioner no. 2 is of assaulting with knife at the back of the head of the informant and against petitioner no. 5 of assault with iron rod on the head and against the rest it is general and omnibus in nature, with further allegation that all the accused had taken away Rs. 8,000/- cash and a mobile set from the pocket of the informant.

5. Learned counsel for the petitioners submitted that the parties are neighbors and due to dispute with regard to construction of road, both the parties had clashed for which from the petitioners' side also Brahmpura PS Case No. 149 of 2019 has been instituted just after the present case. Learned counsel submitted that the injury report with regard to informant only has been submitted to the police in which all injuries are simple in nature and no knife blow has been found, which does not corroborate the allegation in the FIR. It was submitted that the



petitioners' side has also sustained injury. Learned counsel further submitted that the petitioners have no criminal antecedent.

6. Learned APP, from the case diary, submitted that there is allegation of assault against the petitioners. However, he did not controvert the fact that only injury report of the informant has been incorporated in the case diary which shows that the injuries were simple.

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 learned Chief Judicial Magistrate, Muzaffarpur in Brahmpura PS Case No. 148 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; (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds.



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

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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