

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36598 of 2021**

Arising Out of PS. Case No.-404 Year-2019 Thana- KATEYA District- Gopalganj

Binod Gupta @ Vinod Sah S/O Lalbihari Sah R/O Village-Nirpat Chhapar,
P.S. Kateya, District-Gopalganj.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr.Awadhesh Kr Singh, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 16-09-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in Kateya Police Station Case No. 404 of 2019 registered for the offences punishable under sections 341, 323, 324, 325, 307, 354B, 504/34 of the IPC to which section 302 IPC was added later on.

As per the prosecution case, while the accused persons including the petitioner were uprooting the pipe embedded in the village road, the same was objected by informant's father. Thereafter, the accused persons abused and assaulted the informants' side. Petitioner is alleged to have assaulted informant's sister by axe on her head and leg, whereas co-accused Hareram Lal assaulted informant's father by means of iron rod as a result of which he sustained head injury and succumbed to the injury during course of treatment.



Learned counsel for the petitioner submits that the petitioner is not the author of fatal injury caused to the deceased. There is a case and counter case and both sides sustained injuries. Altercation took place due to long standing land dispute between the parties. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 30/1/2021. Charge sheet has already been submitted.

Learned counsel for the State opposes the prayer for bail and submits that there is specific allegation that the petitioner assaulted informant's sister by axe on her head and leg as a result of which she sustained greivous injury on her head.

In view of the specific allegation against the petitioner, his prayer for bail is refused.

However, once the charge is framed and trial commences, the petitioner shall be released on bail by the trial court to its own satisfaction on the condition that the petitioner will co-operate in disposal of the trial.

(Prabhat Kumar Singh, J)

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