

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31436 of 2020

Arising Out of PS. Case No.-86 Year-2019 Thana- PANDARAK District- Patna

MADAN GUPTA, Son of Ramchander Gupta, Resident of Village-
Mamrakhabad, P.S.- Pandark, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj
For the Opposite Party/s : Mr.Braj Kishore Pd.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections
341/323/504/506/307/34 of the Indian Penal Code and Section
27 of the Arms Act.

Prosecution case in brief is that on 26.07.2019 while
the informant was going towards his land, then 3-4 young boys
came to him and started abusing him. When he protested then it
is alleged that the co-accused Dharmendra Kumar Gupta is said



to have fired upon him by his desi katta which hit him on his left thigh.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in this case. There is no allegation of overt act against the petitioner. There is specific allegation of overt act against the co-accused namely Dharmendra Kumar Gupta regarding firing. As per FIR, there is no allegation of assault attributed against the petitioner.

Learned APP for the State opposed the bail petition and submits that there is no specific allegation of assault by the petitioner but as per FIR, the petitioner was there at the spot and the witnesses recorded at para 4, 5, 6 and 7 supported the prosecution case.

In the aforesaid facts and circumstances of the case, there is no specific overt act against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Barh, Patna in connection



with Pandarak P. S. Case No. 86/2019, subject to the conditions
as laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Anjani Kumar Sharan, J)

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