

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42622 of 2021

Arising Out of PS. Case No.-93 Year-2021 Thana- PURNAHYA District- Sheohar

1. PRAMOD KUMAR GUPTA Son of Jagdish Sahu Resident of Village - Kashopur, P.S.- Purnahia, District - Sheohar.
2. Ashutosh Rana @ Ashutosh Kumar @ Ashu Kumar Son of Pramod Kumar Gupta Resident of Village - Kashopur, P.S.- Purnahia, District - Sheohar.
3. Shivam Kumar Son of Pramod Kumar Gupta Resident of Village - Kashopur, P.S.- Purnahia, District - Sheohar.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Y.C. Verma, Senior Advocate.
For the State	:	Ms. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 31-08-2021 As prayed for, through Video Conferencing, let the learned Senior counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 30.07.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned Senior counsel for the petitioners, through Video Conferencing, submits that the petitioner no.3, namely, Shivam Kumar, has already been arrested by the police in this case and further submits that he does not want to press this application in respect of the petitioner no.1, namely, Pramod Kumar Gupta, and seeks



permission to withdraw this application in respect of the petitioner no.1, namely, Pramod Kumar Gutpa, and the petitioner no.3, namely, Shivam Kumar.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Pramod Kumar Gutpa, and the petitioner no.3, namely, Shivam Kumar, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Ashutosh Rana alias Ashutosh Kumar alias Ashu Kumar, for granting him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned Senior counsel for the petitioner no.2, namely, Ashutosh Rana alias Ashutosh Kumar alias Ashu Kumar, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.2, namely, Ashutosh Rana alias Ashutosh Kumar alias Ashu Kumar, apprehends his arrest in connection with Purnahia P.S. Case No.93 of 2021 registered under Sections 341, 342, 323, 324, 325, 307, 504 and 506/34 of the Indian Penal Code.

The accusation is that the land dispute in between the family of the informant and the family of Pramod Kumar Gupta



was going on since before. On 07.06.2021, Devendra Prasad, the father of the informant Alok Kumar, and Rajendra Prasad, the uncle of the informant Alok Kumar, were ploughing the field. At that time, Pramod Kumar Gupta, Ashu Kumar (petitioner no.2), Shivam Kumar and Jagdish Sahu variously armed with weapons came there. Thereafter, on the order of Jagdish Sahu, Pramod Kumar Gupta gave the Khanti blow on the head of Rajendra Prasad, the uncle of the informant, causing blood oozing injury on his head, due to which he fell down and became unconscious. When Devendra Prasad, the father of the informant, rushed to save him, then Pramod Kumar Gupta gave the Khanti blow on his head, however, he tried to save but sustained fracture injury on his left leg.

Learned Senior counsel for the petitioner no.2, namely, Ashutosh Rana alias Ashutosh Kumar alias Ashu Kumar, submits that while the petitioner no.2, namely, Ashutosh Rana alias Ashutosh Kumar alias Ashu Kumar, is named in the F.I.R. along with others but no specific overt act is attributed to him. The specific allegation is against the co-accused Pramod Kumar Gupta, who caused injury to the father and uncle of the informant. The petitioner no.2, namely, Ashutosh Rana alias Ashutosh Kumar alias Ashu Kumar, has no



criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioner no.2, namely, Ashutosh Rana alias Ashutosh Kumar alias Ashu Kumar, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sheohar, in connection with Purnahia P.S. Case No.93 of 2021, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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