

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37038 of 2020

Arising Out of PS. Case No.-107 Year-2020 Thana- BAHERI District- Darbhanga

1. Lal Prasad Gupta, aged about 46 years (Male), S/o Late Ram Bilas Sah, Resident of Village- Chakka, P.s.- Baheri, District- Darbhanga.
2. Amarnath Kumar @ Amarnath Prasad Gupta @ Amarnath Gupta, aged about 25 years (Male), S/o Lal Prasad Gupta, Resident of Village- Chakka, P.s.- Baheri, District- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Pankaj Kumar Das, Advocate.
For the Opposite Party	:	Mr. A.G.
For the Informant	:	Mr. Lal Babu Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-04-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsels for the petitioners, informant and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 323, 341, 342, 324, 307, 354(A), 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that owing to some dispute in between the parties, the accused persons being armed with Lathi and Farsa came to the doorstep of the informant on 10.05.2020. Lal Prasad Gupta and Amarnath Gupta (petitioners)



and co-accused Shiv Gupta attacked the informant and assaulted him with Lathi and Farsa. They also assaulted his brother, namely, Ravish Kumar with Farsa, when he came by a Motorcycle after procuring fish. He sustained bleeding injuries over the eye region. They also assaulted the father and aunt of the informant. His brother Ravish Kumar was referred to D.M.C.H. for medical treatment. The other victims were provided medical treatment at P.H.C. Baheri.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Subsequently, the informant has filed an application before the learned court below where he has retracted from his earlier statement made in the F.I.R, annexed as Annexure-4 to the present application.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IX, Darbhanga, in connection with Baheri P.S. Case No. 107/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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