

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40812 of 2020

Arising Out of PS. Case No.-407 Year-2020 Thana- LAKHISARAI District- Lakhisarai

1. ASHA DEVI W/o Shambhu Mohan Gupta Resdent of Village - Purani Bazar Bari Dargah Ward No.8, P.S.- Lakhisarai, Distt.- Lakhisarai.
2. USHA DEVI W/o AJAY GUPTA Resdent of Village - Purani Bazar Bari Dargah Ward No.8, P.S.- Lakhisarai, Distt.- Lakhisarai.
3. MIRA DEVI W/o SHASHI GUPTA Resdent of Village - Purani Bazar Bari Dargah Ward No.8, P.S.- Lakhisarai, Distt.- Lakhisarai.
4. YOGENDRA MOHAN GUPTA SON OF LATE DEVENDRA MOHAN GUPTA Resdent of Village - Purani Bazar Bari Dargah Ward No.8, P.S.- Lakhisarai, Distt.- Lakhisarai.
5. SHAMBHU MOHAN GUPTA SON OF LATE DEVENDRA MOHAN GUPTA Resdent of Village - Purani Bazar Bari Dargah Ward No.8, P.S.- Lakhisarai, Distt.- Lakhisarai.
6. RAHUL GUPTA SON OF SHAMBHU MOHAN GUPTA Resdent of Village - Purani Bazar Bari Dargah Ward No.8, P.S.- Lakhisarai, Distt.- Lakhisarai.
7. NAND GUPTA SHAMBHU MOHAN GUPTA Resdent of Village - Purani Bazar Bari Dargah Ward No.8, P.S.- Lakhisarai, Distt.- Lakhisarai.
8. SHASHI GUPTA SON OF LATE DEVENDRA MOHAN GUPTA Resdent of Village - Purani Bazar Bari Dargah Ward No.8, P.S.- Lakhisarai, Distt.- Lakhisarai.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajnish Chandra
For the Opposite Party/s : Mr. Md. Nazir Ansari

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 13-12-2021 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.



The petitioners apprehend their arrest in connection with Lakhisarai P.S. Case No. 407 of 2020 registered for the offences punishable under Sections 147, 149, 323, 341, 307, 354, 427, 504 of the Indian Penal Code.

As per allegation, the informant Ravi Kumar has alleged in the FIR that he was making earthen pot on his land as usual. Meanwhile, the accused persons came there and asked him to stop and also assaulted him. Further allegation is that co-accused Vijay Gupta assaulted the informant on his head with *lathi* and the other accused persons dismantled his shop.

Learned counsel for the petitioners has submitted that during pendency of this anticipatory bail petition petitioner No. 4, Yogendra Mohan Gupta, and petitioner No. 5. Shambhu Mohan Gupta have been arrested and they have been granted bail by the learned court below.

As such, the bail petition in respect of petitioner No. 4 and 5 is being dismissed as withdrawn.

Learned counsel for the petitioners has submitted that there is dispute between both the parties regarding land. He has further submitted that all the injuries sustained by the informant and family members of the informant are simple in nature caused by hard and blunt substance. He has also submitted that for the same occurrence Lakhisarai P.S. Case No. 408 of 2020 has been lodged as the petitioners side have also been injured and the informant of that



case is Asha Devi who is petitioner No. 1.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the above-mentioned facts and circumstances as well as the case and counter case against each other, let the petitioner nos. 1 to 3 and 6 to 8 be released on bail in the event of their arrest or surrender within four weeks before the learned court below on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 407 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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