

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9341 of 2022

Arising Out of PS. Case No.-347 Year-2020 Thana- FATUA District- Patna

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Suraj Gope Son of Vinod Gope Resident of Village- Sukulpur, P.S.-
Didarganj, District- Patna. At present Village- Chak Sultanpur, P.S.- Fathua,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Singh

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Fatuha
P.S. Case No. 347 of 2020 registered for the offence under
Sections 341, 323, 307, 385, 504, 506 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.08.2021.

The allegation against the petitioner is to assault the
brother of the informant with lathi alongwith other co-accused
persons with intention to kill.

Learned counsel appearing on behalf of the petitioner



submitted that allegation of assault is very much general and omnibus as it is appearing from the bare perusal of the F.I.R. itself. It has also been pointed out that though the nature of injury is grievous but the said is not on the vital part of the body and the nature of weapon is also not suggesting that petitioner was under intention to kill as alleged.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that the nature of allegation, as regard to assault, is very much general and omnibus.

Considering the facts and circumstances as mentioned above, as the allegation of assault is very much general and omnibus in nature coupled with the fact that grievous injury is not on the vital part of the body which negate the intention to kill, let the petitioner, above named, is directed to be released on bail in connection with Fatuha P.S. Case No. 347 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Patna City, subject to the following conditions:

“(i) Accused/Petitioner shall
cooperate in the trial and shall be properly



represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(ii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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