

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12072 of 2022

Arising Out of PS. Case No.-17 Year-2020 Thana- SASARAM RAIL P.S. District- Gaya

Sanjay Gupta Son of Nirmal Gupta @ Nirmal Prasad Gupta Resident of
Village- Karm Nasha, Police Station- Durgawati and District- kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-07-2022 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 a period
of four weeks from today.

The petitioner seeks bail in connection with Sasaram
Rail P.S. Case No. 17 of 2020 registered for the offence under
Sections 147, 149, 341, 307 and 504 of the Indian Penal Code
and under Section 27 Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.02.2021.

The allegation against the petitioner is to assault the
son of the informant by firearms along with other co-accused
persons due to differences over local issues, in connection with
musical program on the occasion of Jagran Puja.



Learned counsel appearing on behalf of the petitioner submitted that the occurrence was nothing but free fight between two parties of the same locality, where both the parties received injuries. It is also submitted that for the present set of occurrence, FIR was also lodged by this petitioner as Rail Thana Sasaram, Bhabhua Road P.S. Case No. 17 of 2020 and subsequently present case has been lodged by the informant against the petitioner. It is also submitted that face of the FIR does not suggest that fire was made with intention to cause death. It has further been submitted that the statement of the injured was not recorded despite of best efforts. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the occurrence was free fight, for which case and counter case were lodged between the parties.

Considering the facts and circumstances as mentioned above, as occurrence is nothing but free fight, negating intention of the petitioner to cause death, coupled with the fact that charge-sheet has already been submitted in this case, let the



petitioner, above named, is directed to be released on bail in connection with Sasaram Rail P.S. Case No. 17 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 Railway Judicial Magistrate, Gaya/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present 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 of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Nirmal Gupta @ Nirmal Prasad Gupta who is the father of the petitioner and deponent of the present bail petition.”

The physical appearance of I.O. of this case before this Court is dispensed with.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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