

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15906 of 2022

Arising Out of PS. Case No.-682 Year-2021 Thana- CHAPRA TOWN District- Saran

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1. HEERA LAL GUPTA SON OF LATE SOPAS JI RESIDENT OF VILL- SAHEBGANJ BUTAN BARI, P.S- CHAPRA TOWN, DIST- SARAN AT CHAPRA.
 2. VIKASH GUPTA @ VICKY @ VIKASH RAJ SON OF HEERALAL GUPTA RESIDENT OF VILL- SAHEBGANJ BUTAN BARI, P.S- CHAPRA TOWN, DIST- SARAN AT CHAPRA.
 3. PRINCE KUMAR @ PRINCE RAJ SON OF HEERALAL GUPTA RESIDENT OF VILL- SAHEBGANJ BUTAN BARI, P.S- CHAPRA TOWN, DIST- SARAN AT CHAPRA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MONU KUMAR SON OF OM PRAKASH SAH RESIDENT OF VILL- ARYA NAGAR KATAHARI BAG, P.S - CHAPRA TOWN, DIST- SARAN AT CHAPRA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Adv
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2022 Heard the parties.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 341, 323, 307, 324, 335, 506, 34 of the Indian Penal Code.

Allegedly, due to depression wife of the informant



committed suicide. On information, the petitioners came and took the informant on double storied roof and threw him from there on the ground.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. There is a case and counter-case between the parties and both sides sustained injuries and the injuries are simple but one injury is grievous in nature. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioner no.3 who assaulted the informant upon which the injury found upon the informant is grievous.

Having regard to the facts and circumstances of the case, since there is specific overt act against the petitioner no.3, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.



However, there is no specific overt act against the petitioner no. 1 and 2 and the injuries are simple in nature, let the above named petitioner nos. 1 and 2 be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Chapra Town P.S. Case No.682 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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