

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24126 of 2022

Arising Out of PS. Case No.-443 Year-2021 Thana- KATEYA District- Gopalganj

1. Gauri Shankar Bhagat, S/o Late Sukai Bhagat, Resident of Village- Sikatiya Khas, P.S.- Kateya, District- Gopalganj (Bihar).
2. Vikash Kumar @ Vikas Kumar Kushwaha, S/o Gauri Shankar Bhagat Resident of Village- Sikatiya Khas, P.S.- Kateya, District- Gopalganj (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Roy, Advocate
For the Opposite Party/s : Mr.Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Kateya P.S. Case No. 443 of 2021 registered for the alleged offences under Sections 341, 323, 324, 325, 307, 427, 379 and 34 of the Indian Penal Code.

As per prosecution case, in the background of land dispute, the petitioners and other co-accused persons assaulted the father of the informant and when informant and his brother



tried to rescue him, they were also assaulted.

The learned counsel for the petitioners submits that there is general and omnibus allegations against the petitioners and no specific overt act has been attributed to the petitioners. The present case is counter blast of Kateya P.S. Case No. 444 of 2021 registered for similar offences for the same occurrence and the petitioners have also received injuries which have been brought on record by supplementary affidavit and altogether four injuries have been received by petitioner no. 1 though stated to be simple whereas one of the injuries of petitioner no. 2 has been found to be grievous and two other injuries are simple in nature. Land dispute is admitted and Title Suit No. 193 of 2017 is pending before the learned court below between the parties. Further, allegation against the petitioner no. 1 is that he was the order giver and petitioner no. 2 gave *farsa* blow upon the informant's head but the injury reports of the informant and his brother show injuries simple in nature and the injuries of the father of the informant were found to be grievous but none of the injuries was life threatening and there was no repetition. Other co-accused persons have been granted anticipatory bail by the learned court below. Charge-sheet has been submitted in this case and the petitioners are in custody since



06.03.2022.

Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioners for assault on the father of the informant as well as informant and his brother.

Having regard to the submissions made hereinabove and considering the case and counter case between the parties and further considering the absence of any life threatening injuries or any aggravating circumstance coupled with the submission of charge-sheet as well as period of their custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Kateya P.S. Case No. 443 of 2021 corresponding to PTN-2093 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the person who has sworn the affidavit in the case.
- (ii) The petitioners will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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