

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44325 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- DUMRAO District- Buxar

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1. GOPAL SINGH @ GOPAL KUMAR SINGH Son of Ram Ekbal Singh Resident of Village - Naya Bhojpur, P.S.- Dumraon, District - Buxar.
 2. Dhiraj Singh @ Dhiraj Kumar Son of Late Banarasi Singh Resident of Village - Naya Bhojpur, P.S.- Dumraon, District - Buxar.
 3. Jaglal Singh Son of Late Banarasi Singh Resident of Village - Naya Bhojpur, P.S.- Dumraon, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Digvijay Kumar Ojha
For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-04-2022 At the outset, learned counsel for the petitioners submits that he may be permitted to withdraw this anticipatory bail application in respect of petitioners no.2 and 3, namely, Dhiraj Singh @ Dhiraj Kumar and Jaglal Singh respectively as both the petitioners have already been arrested by the police.

Permission is granted.

Accordingly, this anticipatory bail application is dismissed as withdraw so far as petitioners no.2 and 3 are concerned.

Now, this application survives only against petitioner no.1, Gopal Singh @ Gopal Kumar Singh.



Heard learned counsel for the petitioner and learned APP for the State.

Petitioner No.1, Gopal Singh @ Gopal Kumar Singh apprehends his arrest in Dumaraon P.S. Case No.27 of 2021, registered for the offences punishable under Sections 447, 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is said to have assaulted the younger brother of the informant by means of *Vaishakhi*.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that petitioner no.1, namely, Gopal Singh @ Gopal Kumar Singh is said to have assaulted the younger brother of the informant by means of *Vaishakhi*, but the injury is simple in nature. It is further submitted that there is case and counter case and both sides sustained injuries. It is also submitted that the petitioner has got no criminal antecedent.

Learned APP for the State opposes the prayer for anticipatory bail of the petitioner by submitting that petitioner no.1 assaulted the younger brother of the informant by means of hard and blunt substance on his head, which is a vital part of the body.



Taking into consideration the facts that injury is simple in nature, the petitioner has got no criminal antecedent and there is case and counter case between the parties, let petitioner no.1, namely, Gopal Singh @ Gopal Kumar Singh, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Dumaraon P.S. Case No.27 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

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