

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51749 of 2021**

Arising Out of PS. Case No.-709 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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MUKESH PATHAK, Son of Late Pujan Pathak @ Poojan Pathak Residence
of Village - Aamwa Nakchhed, P.S. and Dist. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sushil Kumar
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, APP
For the informant	:	Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-02-2022 Heard learned counsel for the petitioner, learned
counsel for the State as well as learned counsel for the
informant, through Video Conferencing.

The petitioner seeks bail in connection with
Gopalganj P.S. Case No. 709 of 2019, instituted for the offences
under Sections 341, 323, 324, 307, 504, 506/34 of the Indian
Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 04.06.2021 and has a antecedent of
one case as mentioned in para 3 of the bail application and
charge-sheet has been submitted.

The learned counsel for the petitioner further submits
that the informant alleges that on 24.12.2019 at 2 P.M. he had



gone to his sugarcane field, when he saw the petitioner along with other named accused persons loading the sugarcane crop on a trolley after harvesting the same from the field of the informant, further it is alleged that the informant protested on which the petitioner inflicted a knife blow on the chest of the informant and when the informant tried to save himself, it caused cut injury on his left finger, thereafter, it is alleged that Dablu Pathak caught the informant from behind and on his order, the petitioner again inflicted knife blow on him which caused injury in his stomach, on account of which the informant fell as he had received dagger injury and was taken to Sadar hospital, Gopalganj for treatment from where he was referred to Gorakhpur for better treatment. The learned counsel submits that there is case and counter case even the petitioner of the present case received grievous injury at the hand of the informant, it is further submitted that the dispute occurred for the reason that the informant and the petitioner are claiming that the land belong to them on which the sugarcane was planted.

The learned A.P.P. vehemently opposes the bail application and submits that from perusal of the allegation, as alleged in the FIR, it would manifest that initially the petitioner tried to inflict dagger blow on the chest of the informant but he



missed and again he repeated the blow when the informant was caught from behind by Dablu Pathak, causing injury in his stomach, which is vital part of the body.

In the nature of allegation, as alleged and that the blow was repeated and was on the vital part of the body and the injury is grievous in nature, the Court is not inclined to grant bail to the petitioner, therefore, the prayer for bail of this petitioner is hereby rejected.

(Satyavrat Verma, J)

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