

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51263 of 2021**

Arising Out of PS. Case No.-249 Year-2021 Thana- LAKHISARAI District- Lakhisarai

SUBODH GUPTA @ SUBODH KUMAR Son of Sachchidanand Gupta
Resident of Village- English, Ward No.3, P.S.- Lakhisarai, District-
Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51842 of 2021

Arising Out of PS. Case No.-249 Year-2021 Thana- LAKHISARAI District- Lakhisarai

Gaurav Kumar S/O Subodh Gupta @ Subodh Kumar R/O Village-English,
Ward No.3, P.S-Lakhisarai, District-Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51263 of 2021)

For the Petitioner/s : Mr.Sanjeev Kumar,Adv

For the Opposite Party/s : Mr.Sanjay Kumar,APP

(In CRIMINAL MISCELLANEOUS No. 51842 of 2021)

For the Petitioner/s : Mr.Sanjeev Kumar, Adv

For the Opposite Party/s : Mr.Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 30-03-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioners and learned

APP for the State in both the applications.

Petitioners seek bail in a case registered for the



offences punishable under Sections 341, 342, 323, 337, 307, 504, 506 and 34 of the Indian Penal Code.

As per FIR, the allegation against the petitioners is that they alongwith other named accused persons started taking out the eyes of the informant by using scissors and they forcibly took away the informant in their house at the point of pistol where he was confined in a room and brutally assaulted by them causing injuries on his head and hand. Allegation against petitioner-Gaurav Kumar is that he assaulted the informant with rod causing head injury. The informant was brought at Sadar Hospital, Lakhisarai where he was treated.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that both the parties have compromised and the case of the compromise petition has also been filed before the learned court below. He further submits that in fact scuffle took place between the petitioners and the informant. He further submits that it appears from the injury report that injury is on non-vital part of the body and some of the injuries show that simple in nature. Injury No.1-opinion reserved due to x-ray plate and injury Nos. 2,3,4,5,6,7 all are simple in nature. He further submits that the



police after investigation submitted chargesheet against the petitioners and petitioner-Subodh Gupta @ Subodh Kumar is in custody since 24.07.2021 and petitioner-Gaurav Kumar is in custody since 25.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Lakhisarai Police Station Case No.249 of 2021, with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall



verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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