

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52940 of 2021

Arising Out of PS. Case No.-119 Year-2021 Thana- KATRA District- Muzaffarpur

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Gauri Shankar Sah @ Gauri Kumar Sah @ Gauri Sah Son of Basali Sah @
Basuli Sah Resident of village - Yajuar Abagoth, Laxmipur, P.S. - Katra,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-02-2022 Heard learned counsel for the petitioner and Shri
Yogendra Kumar Singh, learned A.P.P. for the State through
virtual court proceedings.

The petitioner seeks bail in connection with Katra P.S.
Case No. 119 of 2021 instituted for the offences under Sections
147, 148, 149, 341, 323, 325, 307, 354, 379, 504, 506 and 34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 13.07.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
informant alleges that on 12.05.2021 at around 7.00 am in the
morning, the present petitioner along with other co-accused



persons, in furtherance of their common intention, gave a blow with iron rod on the head of the informant and when the informant tried to save himself, his right hand got fractured. It is further alleged that when sons of the informant, namely, Uday Prasad, Ram Babu Prasad, Ram Balak Kumar and wife Fulo Devi came over there, all accused persons assaulted them also with *lathi* and iron rod causing injuries to them, further with the help of neighbors, their life was saved and it is also alleged that in the said occurrence, the daughter-in-law of the informant, namely, Rani Devi was also assaulted, sustained injuries and all the accused persons snatched the gold chain of the wife and daughter-in-law of the informant.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the F.I.R. is completely silent that as to why the occurrence took place and no reason for the occurrence has been assigned. Learned counsel further submits that petitioner has also instituted Katra P.S. Case No. 120 of 2021 in which it is alleged that it was the informant's side who were the aggressor as the petitioner's side had objected their act of throwing water from their rooftop in their house and on account of which the occurrence took place. It is further submitted that injury on the



informant is on non-vital part of the body though it is alleged to be grievous and as far as injuries on other victims are concerned, the said injuries are simple in nature. Learned counsel submits that the petitioner is not a criminal and on account of heated argument, the occurrence took place as the petitioner was objecting the informant's side from throwing water in their house.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 13.07.2021, charge-sheet has been submitted in the case the petitioner is a person with clean antecedent and the injury is on non-vital part of the body, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ms. Arti Kumari, learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Katra P.S. Case No. 119 of 2021.

(Satyavrat Verma, J)

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