

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70951 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- KOPA District- Saran

GUDDU MIYA SON OF MOGAL MIYA RESIDENT OF VILLAGE-
KUMNA, WARD NO. 5, POLICE STATION - KOPA, DISTRICT - PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhijeet Gautam, Advocate
For the Opposite Party/s	:	Mr.Narendra Kumar Singh, APP
For the Informant	:	Mr.Shashank Shekhar, Advocate
	:	Mr.Mukesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 307 and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 27.05.2021, charge-sheet has been
submitted in the case and has antecedent of one case as
mentioned in paragraph '3' of the bail application which was
instituted by the aunt of the present informant.

The informant alleges that his brother was assaulted
by the petitioner, Soyabuddin and Arman Miya by *lathi* and
sharp edged weapon and the villagers who went to save his



brother were also assaulted and were injured and the occurrence took place on 26.05.2021 in a marriage where the informant and his family members had gone to participate.

Learned counsel for the petitioner submits that though there is allegation against the accused persons of assaulting the deceased but from perusal of the postmortem report, it would manifest that there are only two injuries and a penetrating wound on the body of the deceased. It is next submitted that there is a case and counter case from the side of the petitioner and Kopa P.S. Case No. 97 of 2021 was instituted, further a Title Suit No. 238 of 2020 is also pending adjudication between the parties with regard to a piece of land. It is next submitted that co-accused Mogal Miya has been granted bail vide order dated 23.05.2022 in Cr. Misc. No. 71701 of 2021, Soyabuddin has been granted bail vide order dated 23.05.2022 in Cr. Misc. No. 70705 of 2021 and Arif Ali has been granted bail vide order dated 17.05.2022 in Cr. Misc. No. 56130 of 2021.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner and submit that no doubt there is a case and counter case but from the side of the informant, six persons received injury and out of which one person died. It is further submitted



that land dispute does not give a right to the petitioner and other accused persons to assault with such force that a life becomes lifeless but the learned counsel for the informant is not able to meet the submission of the learned counsel for the petitioner that co-accused have been granted bail and the allegation of assault is also not specific.

Considering the fact that the petitioner is in custody since 27.05.2021, charge-sheet has been submitted in the case, and the co-accused have been granted bail, let the petitioner above named 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 the learned court below where the case is pending/successor court in connection with Kopa P.S. Case No. 96 of 2021.

(Satyavrat Verma, J)

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