

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4099 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- KOPA District- Saran

1. AMAR NATH PRASAD Son of Late Baidyanath Prasad R/V- Samhota Mathia, PS- Kopa, Dist- Saran
2. Arun Prasad Son of Late Baidyanath Prasad R/V- Samhota Mathia, PS- Kopa, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Basant Kumar Singh Mr. Vishesh Kumar Singh
For the State	:	Mr.Ram Bilash Roy Raman
For the Informant	:	Mr. Narendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 19-05-2023 Heard the learned counsel for the petitioners and learned APP for the State, assisted by the learned counsel for the informant.

This is an application for regular bail on behalf of the petitioners for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code registered in connection with Kopa P.S.Case No. 121 of 2022.

As per allegation, 16 named accused persons equipped with knife, *farsa*, sword and *gupti* attacked the son of the informant. The specific allegation against petitioner no.2 is that he caught hold of the informant's son and petitioner no.1



inflicted knife blows to the victim, who died on way to the hospital.

The learned counsel for the petitioners has submitted that the occurrence had taken place on trivial issue due to quarrel between the children of both the parties. There is case and counter case and the members of the defense side have also suffered injury. Petitioner no.1 is the informant of the counter case. He has submitted further that the petitioners are in custody since 08.07.2022.

On the other hand, the learned counsel for the informant as well as the learned APP for the State have opposed the prayer for bail and submitted that there is specific allegation against petitioner no.1 Amar Nath Prasad of giving assault on the person of the deceased by knife and there is allegation against petitioner no.2 that he caught hold of the deceased.

The allegation of giving knife blows is on petitioner no.1 Amar Nath Prasad. As such, he does not deserve the privilege of bail, which is hereby rejected.

So far as **petitioner no.2 Arun Prasad is concerned, considering the above facts and circumstances, let him be released on bail** on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the



satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Kopa P.S.Case No. 121 of 2022, subject to the following conditions:-

1. Petitioner no.2 shall cooperate in the disposal of trial and make himself available on each and every date in the court below till framing of charge.

2. If petitioner no.2 is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of his and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

HR/-

U		T	
---	--	---	--

