

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19649 of 2023

Arising Out of PS. Case No.-787 Year-2022 Thana- BARACHATTI District- Gaya

1. Gopal Sao @ Gopal Prasad @ Gopal Saw @ Gopal Kumar Son of Bhaironath Prasad R/v- Karjara, P.S.- Mohanpur, District- Gaya
2. Surendra Kumar @ Surendra Kumar Saw Son of Bhaironath Prasad R/v- Karjara, P.S.- Mohanpur, District- Gaya
3. Ganesh Kumar @ Ganesh Kumar Saw Son of Bhaironath Prasad R/v- Karjara, P.S.- Mohanpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Sinha No.1, Adv.
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2023 Heard Mr. Amrendra Kumar Sinha No. 1, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Barachatti P.S. Case No. 787 of 2022, registered for the offences punishable under Sections 341, 323, 379, 354, 307, 504, 506/34 of the Indian Penal Code.

It is alleged that while the informant was in his house in the meantime all the FIR named accused persons came there and started abusing. On protest being made, co-accused Bhaironath Prasad gave an iron rod blow on the head of the



informant due to which he sustained grievous injury. Further allegation has been levelled that the petitioners have also assaulted the son and daughter-in-law of the informant by means of *lathi* and *danda* due to which they also sustained injuries. Allegation of snatching valuables have also been levelled against the accused persons.

Learned counsel appearing on behalf of the petitioners submits that the occurrence took place on 23.08.2022, however, for the first time the *fardbeyan* of the informant was recorded at ANMC Hospital, Gaya on 29.08.2022 which was later on referred to the concerned police station and thereafter the same was instituted on 02.09.2022. It is next submitted that so far the injuries sustained to the son and daughter-in-law of the informant are concerned, they are found to be simple in nature. Moreover, co-accused Bhaironath Prasad against whom there is allegation that he assaulted the informant by means of iron rod due to which he sustained grievous injury has already been surrendered before the court below. He lastly submits that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation and will not indulge in intimidating the witnesses.

On the other hand, learned counsel for the State



vehemently opposed the bail application and submits that the specific allegation has been levelled against the petitioners of assault and loot.

Regard being had to the submissions made on behalf of the parties and considering the fact that the injuries which have been attributed to the petitioners are simple in nature, coupled with their fair antecedent and the delay in lodging of the FIR, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Barachatti P.S. Case No. 787 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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