

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39864 of 2023

Arising Out of PS. Case No.-870 Year-2022 Thana- MADHEPURA District- Madhepura

1. Arbind Gupta S/O Shree Nabab Sah Resident of Village- Mathahi, Ward No.- 06, P.S and District- Madhepura.
2. Rupesh Kumar S/O Shree Satya Narayan Sah Resident of Village- Tariyama, Ward No.- 04, P.S.- Simri Bakhtiyarpur, District- Saharsa and presently residing at Village- Madhahi, Ward No.- 06, P.S and District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Jha
For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-12-2023 At the outset, learned counsel for the petitioners submits that he does not want to press this petition so far as petitioner no. 2 Rupesh Kumar is concerned.

2. Accordingly, in respect of petitioner no. 2 Rupesh Kumar, this petition is dismissed as withdrawn.

3. Sole petitioner i.e. petitioner no. 1 Arvind Gupta apprehends his arrest in a case registered for the offence under Sections 341, 323, 325, 307, 354(A), 379, 504, 506/34 of the Indian Penal Code.

4. On the alleged date and time of occurrence, while the informant was working in his field, all the F.I.R. named accused persons including this petitioner, variously armed, came there and assaulted the informant and his family members, on account of which, three persons sustained injury.



5. It is submitted on behalf of petitioner that due to dispute over share in ancestral property, a free fight took place between the parties, in which, both sides sustained injuries. There is case and counter case. Allegation of assault is general and omnibus and no specific overt act has been alleged against this petitioner.

6. Learned A.P.P. for the State has opposed the bail petition.

7. Considering the general and omnibus nature of allegation, let the petitioner namely Arbind Gupta, in the event of his arrest/surrender within a period of six weeks from today, be enlarged 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 C.J.M., Madhepura in connection with Madhepura P.S. Case No. 870 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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