

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29336 of 2023

Arising Out of PS. Case No.-339 Year-2022 Thana- MANJHAGARH District- Gopalganj

1. Bipin Kumar @ Bipin Yadav Son of Yogendra Chaudhary @ Yogendra Yadav Resident of village - Devipur Shekh Purbi Tola, P.S. - Manjhagarh, Distt. - Gopalganj
2. Gagan Sharma @ Sujit Kumar Son of Kedar Sharma Resident of village - Devipur Shekh Purbi Tola, P.S. - Manjhagarh, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vyas Kumar Mishra, Advocate
For the State	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioners are apprehending their arrest in connection with Manjhagarh P.S. Case No. 339 of 2022 registered for the offence punishable under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code (for brevity 'IPC').

3. There is allegation of assault by knife against the petitioners. Petitioner No. 1 has, allegedly, assaulted the informant, whereas, the petitioner No. 2 has inflicted knife injury on one *Govind Kumar*.

4. Learned counsel for the petitioners submits that the



nature of assault is not corroborated by the injury report. The further submission is that insofar as *Govind Kumar* is concerned, there is no injury on him to corroborate the allegation. Petitioners are having no criminal antecedents. From bare perusal of the order rejecting the petitioners' prayer for anticipatory bail, it is obvious that the parties have also filed a compromise petition.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Having regard to the submissions advanced by the petitioners' counsel, material considered in the order of rejection passed by the Additional Sessions Judge- Xth, Gopalganj, this Court finds that the assault by knife is corroborated in the investigation against the petitioner No. 1, namely, Bipin Kumar @ Bipin Yadav, this Court is not inclined to allow petitioner No's. 1 prayer for grant of anticipatory bail.

7. Insofar as petitioner No. 2 is concerned, having regard to the material, nature of allegations and his clean antecedents, this Court is inclined to allow the petitioner No's. 2 prayer for grant of anticipatory bail.

8. Accordingly, let the petitioner No. 2, namely, Gagan Sharma @ Sujit Kumar, in the event of his arrest or surrender



before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Gopalganj, in connection with Manjagarh P.S. Case No. 339/2022, subject to the following conditions:

(i) That one of the bailors of each of the petitioner will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fail to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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