

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49647 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- GOPALPUR District- West Champaran

1. Sahdeo Ram Son of Late Chulhai Bhagat Village Puniyadih, Ps- Gopalpur, Dist- West Champaran
2. Awdhesh Ram Son of Late Pundeo Ram Village Puniyadih, Ps- Gopalpur, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Gopalpur P.S. Case No. 30/2023 registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

3. As per prosecution case, petitioners and others started assaulting the informant and his family members. It is alleged that petitioner no.1 is said to have assaulted by means of Gadashi upon the head of the informant as a result of which he sustained injury. It is further alleged that petitioners and others also assaulted the informant's brother, son. It is further alleged that co-accused, Sunaina Devi assaulted informant's wife and snatched Mangalsutra from her neck. Thereafter, the injured informant and



his brother were sent to Bettiah Medical Hospital for better treatment.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case due to land dispute. Petitioners bear no criminal antecedent. He further submits that there are two persons injured; one is informant namely Kailash Ram who sustained four injuries on his body and another is informant's brother namely Kishore Ram who got two injuries, one is grievous which is on his index finger and which is not a vital part of the body. He further submits that there is delay in lodging the FIR which is quite evident from FIR itself that the occurrence took place on 05.03.2023 and FIR has been lodged on 13.03.2023. He further submits that there is no specific allegation of assault against the petitioner no.2 rather allegations are general and omnibus in nature.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that there is specific allegation of assault against the petitioner no.1 who assaulted upon the head of the informant by means of Gadashi, sustained four injuries and sent to Bettiah Medical Hospital for better treatment. He further submits that from perusal of the impugned order itself there are three injuries on the head of the



informant out of four injuries.

6. Considering the facts and circumstances of the case, there is no specific allegation of assault against the petitioner no.2, keeping in view clean antecedent, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner no.2 above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Gopalpur P.S. Case No. 30/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. So far as petitioner no.1 is concerned, I am not inclined to grant privilege of anticipatory bail to petitioner no.1 namely Sahdeo Ram as there is specific allegation of assault upon the head of the informant against him, Accordingly, the prayer for anticipatory bail of the petitioner no.1 namely Sahdeo Ram is, hereby, rejected.

(Alok Kumar Pandey, J)

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