

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55260 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- MIRGANJ District- Gopalganj

Birendra Sah @ Birendra Prasad Gupta Son Of Late Lakhichand Sah
Resident Of Village-Line Bazar, Ps- Mirganj, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Irshad Ahmad Khan, Advocate.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Mr. Irshad Ahmad Khan learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Mirganj P.S. Case No.90 of 2023, registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. Allegedly, all the accused persons including the petitioner variously armed with knife, farsa and iron rod assaulted the informant and on hulla, when the family members of the informant came to save him they were also assaulted by the accused persons due to which they sustained serious injuries. It is also alleged that the accused persons also taken away *Sakhua* wood by cutting it from their land.

4. Learned counsel appearing on behalf of the



petitioner submits that there is a counter version of the present facts being Mirganj P.S. Case No.91 of 2023 instituted by the brother of the petitioner. He further submits that no specific allegation of any overt act has been alleged against the petitioner, moreover, the injuries which are alleged to have been sustained over the informant and others have been found to be simple in nature caused by hard and blunt substance. He next submits that the petitioner is a man of fair antecedent, and he undertakes that he will fully cooperate in the investigation and in the proceedings of the Court.

5. On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the counter version of the present case, coupled with the fair antecedent of the petitioner and nature of injury, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-



XV, Gopalganj in connection with Mirganj P.S. Case No.90 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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