

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54642 of 2023

Arising Out of PS. Case No.-232 Year-2023 Thana- GOPALPUR District- Patna

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Bharat @ Bharta @ Bharat Kumar Son Of Hajari Rai Resident Of Village-
Sahpur, Police Station-Gopalpur, District-Patna.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 354, 379, 504, 506 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against 2 named accused persons and 7-8 unknown accused persons. The allegation against the petitioner is that he along with other persons attacked on the informant on 14.04.2023. When informant's brother came to rescue him then the petitioner attacked by a rod on his head due to which he got injured. Subsequently, the allegation of outraging the modesty of the informant's mother is also there in the FIR.

4. Counsel for the petitioner submits that the allegation made in the FIR is made under Section 307 and 354 of the Indian Penal Code are the major offences. He submits that from the rejection order of the Additional Session Judge it transpires from the second last paragraph of the ordersheet that the injury caused to the brother of the informant is simple in nature. Counsel submits that the question of ingredient of Section 354 of the Indian Penal Code shall not arise in the present case. Counsel also submits that the cause of dispute in the present case is measurement of a disputed land, as both the petitioner and the informant sides are neighbours and for the measurement of the said land, the petitioner has filed an application, which is annexed as Annexure-2, 3 and 3/A. This is the basic dispute between them. He further submits that the petitioner is not a criminal and he is having a clean antecedent.

5. Learned APP for the State opposes the prayer for bail.

6. In the present facts and circumstances, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.F.C., Patna in connection with

Gopalpur P. S. Case No.232 of 2023, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

Ashishsingh/-

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