

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61141 of 2023

Arising Out of PS. Case No.-58 Year-2015 Thana- BODHGAYA District- Gaya

1. Surendra Gupta @ Surendra Kumar @ Surendra Kumar Gupta S/O Late Ramchandra Sao R/O Village- Moratal, P.S. Bodh Gaya, Dist. Gaya
2. Akhilesh Gupta @ Akhilesh Kumar Gupta S/O Nand Keshwasr Sao R/O Village- Moratal, P.S. Bodh Gaya, Dist. Gaya
3. Bhola Gupta @ Anil Kumar @ Anil Kumar Gupta S/O Kishun Sao R/O Village- Moratal, P.S. Bodh Gaya, Dist. Gaya
4. Chhotu Gupta @ Vikram Kumar S/O Bajnath Gupta @ Baijnath Prasad R/O Village- Moratal, P.S. Bodh Gaya, Dist. Gaya
5. Vikas Gupta @ Vikash Kumar Gupta S/O Ramnandan Gupta @ Ramnandan Sao R/O Village- Moratal, P.S. Bodh Gaya, Dist. Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S K Lal, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-12-2023 Heard Mr. S K Lal, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bodh Gaya P.S. Case No. 58 of 2015, registered for the offences punishable under Sections 341, 323, 307 and 504/34 of the Indian Penal Code.

3. Allegedly while the informant was constructing his house on the land purchased by his grandfather, in the meantime, all the FIR named accused persons along with 5-6



persons came there and started assaulting. It is specifically alleged that petitioner no. 2 (Akhilesh Gupta @ Akhilesh Kumar Gupta) was holding pistol in his hand, assaulted the informant by means of butt, resulting into grievous head injury.

4. Learned counsel appearing on behalf of the petitioners submits that from the narrations made in the FIR, it is evident that there is a land dispute between the parties, which resulted into a free fight causing injuries to the persons of both the sides, moreover, the present case is a counter blast to Bodh Gaya P.S. Case No. 56 of 2015, instituted by petitioner no. 3 against the informant and others. He next submits that considering the nature of the dispute, both the parties have also settled the matter and they do not want to proceed any further. He next submits that admittedly the injury report suggest grievous injury, but it is also to be taken note of that no firing has resorted to, rather it is alleged that petitioner no. 2 has assaulted the informant by means of butt, thus the allegation suggest that there was no intention to kill the informant. He lastly submits that all the petitioners are men of fair antecedent and they undertake that they will not indulge in such type of activities in future and co-operate in the proceeding of the Court.



5. On a query made by this Court regarding delay in filing the present application, it is submitted at the Bar that recently the police has submitted charge-sheet for the offence under Section 307 of the Indian Penal Code and other allied Sections, thus the petitioners have filed the present case. He next submits that initially, there was a compromise between the parties and, as such, the petitioners were under impression that there would not be any likelihood of their arrest.

6. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that all the petitioners in furtherance of common intention assaulted the informant, which is also corroborated by the injury report.

7. Regard being had to the submissions made on behalf of the parties and considering the case and counter case and the genesis of the criminal case, coupled with the fair antecedent of the petitioners and the statement at the Bar that the police has submitted charge-sheet belatedly, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the



satisfaction of the learned Additional Chief Judicial Magistrate-III, Gaya in connection with Bodh Gaya P.S. Case No. 58 of 2015, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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