

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60350 of 2022

Arising Out of PS. Case No.-240 Year-2020 Thana- WAJIRGANJ District- Gaya

GAURI SHANKAR @ GAURISHANKAR PRASAD Son of Late Chamari
Mahto R/V- Amaithi, P.S- Wazirganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prithivi Raj Singh, Advocate
For the State	:	Mr.Binod Kumar, APP
For the Informant	:	Mr. Manmohan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State as also
the learned counsel for the informant.

The petitioner seeks regular bail in connection with Wazirganj P.S. Case No.240 of 2020, registered for the offences punishable under Sections 341, 323, 448, 324 and 380 of the Indian Penal Code.

The informant has alleged that when he was unloading the soil from his tractor in his field, the petitioner along with one another accused person had arrived there and had objected to unloading of the soil whereupon co-



villagers had arrived and pacified the matter, however, on the same day, at about 8.30 pm, the petitioner had entered the house of the informant and assaulted him on his head resulting in him sustaining head injury and when his son had come to rescue him, he was also beaten with an iron rod and then the petitioner had snatched a gold chain as also a sum of Rs.30,000/- and had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 08.08.2022. The learned counsel for the petitioner has further submitted that though the injury sustained by the informant has been found to be grievous in nature, but the present case has not been filed under Section 307 of the Indian Penal Code, hence, some sympathy be shown to the petitioner herein for grant of bail.

Per contra, the learned APP for the



State and learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the materials available in the case diary, though I am not inclined to grant the privilege of bail to the petitioner herein at the moment, however, I deem it fit and proper to direct for release of the petitioner on bail, immediately upon framing of charges in the present case by the learned trial court, subject to such conditions as may be deemed fit and proper to be imposed by the court of learned ACJM-1, Gaya in connection with Wazirganj P.S. Case No.240 of 2020.

The petition stands disposed off with the aforesaid observations and directions.

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(Mohit Kumar Shah, J)

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