

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71069 of 2023

Arising Out of PS. Case No.-95 Year-2019 Thana- GOPALPUR District- Gopalganj

Amit Thakur Son of Baharan Thakur R/o vill - Barnaiya Rajaram, P.S. -
Gopalpur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Gopalpur P.S. Case No. 95 of 2019, registered on 13.06.2019 for the alleged offences under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

3. As per prosecution case, in the background of some altercation which took place on replacement of electric wire, the petitioner and other co-accused persons assaulted the informant and his family members with *lathi* and *danda*. The allegation against the petitioner is that he gave knife blow above the left eye of the wife of the informant causing serious injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. The present case is counter blast of Gopalpur P.S. Case No. 92 of 2019 which was lodged earlier by the mother of the petitioner against the present petitioner and his family members and to save his skin from the case filed by the petitioner side, the present false case has been lodged. The petitioner and informant are co-villagers and next door neighbour. The informant has not alleged any motive for committing the alleged offence by the petitioner and other co-accused persons which casts doubt over the truthfulness of the prosecution case. Learned counsel further submits that the matter has been compromised between the petitioner. The petitioner has got no criminal antecedent. The petitioner is in custody since 01.08.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the earlier filing of case by the petitioner side against the informant side and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-5th, Gopalganj/concerned court in connection with Gopalpur P.S. Case No. 95 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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