

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16830 of 2024

Arising Out of PS. Case No.-772 Year-2023 Thana- KHAGARIA District- Khagaria

Rajesh Gupta Son of late Baidhnath Sah Resident Of Malgodam Road, Ward
No. 2, P.S. Khagaria, District Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay Sr. Adv Mr. Lokesh Kumar, Adv Mr. Vishal Kumar, Adv Mrs. Sushmita Sharma, Adv
For the Opposite Party/s	:	Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner apprehends his arrest in connection with Khagaria P.S.Case No. 772 of 2023 dated 30.07.2023 instituted for the offence punishable under Sections 341, 323, 325, 307, 354/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioner along with his son and wife threatened to kill the informant and his family members. When the father of the informant objected they started abusing and assaulting by means of iron rod on the head of the father of the informant causing head injury. When the mother of the informant came to save him, she was also



assaulted.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no specific allegation against the petitioner. It is submitted that the FIR has been lodged against three persons who are father, son and mother. The petitioner is husband of Naina Gupta and father of Rohit Kumar Gupta. The learned senior counsel further submitted that co-accused Naina Gupta and Rohit Gupta have already been granted bail by this Court in Cr. Misc. No.86201 of 2023 vide order dated 18.01.2024. It is further submitted that Title suit no. 92 of 2021 has been filed by the petitioner against the father of the informant. It is further submitted that in the said Title suit, an injunction order has been passed by the Sub-Judge, 1st Khagaria on 24.12.2021 whereby both the sides have been restrained from transferring the suit land in any way till the disposal of the case. The informant is full brother of the petitioner. The petitioner has one criminal antecedent.

5. Learned A.P.P for the State has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of the learned counsel for the parties,



in the event of arrest/ surrender of the petitioner within a period of six weeks from today, in connection with Khagaria P.S.Case No. 772 of 2023 he shall be released on anticipatory bail 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 Chief Judicial Magistrate, Khagaria or appropriate Court Below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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