

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30580 of 2024

Arising Out of PS. Case No.-61 Year-2019 Thana- MADHUBANI TOWN District-
Madhubani

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Gopal Rai @ Gopal Das chela of Markandey Das, son of Late Jamun Rai R/O-
Ram Chowk Morcha Tola, Bhauara, Ward No- 16, P.S- Town, Distt-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratnakar Jha, Advocate
For the State : Mr.Lalan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with C.R.I. No. 262 of 2019 arising out of Madhubani Town P.S. Case No. 61 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.

3. As per prosecution case, there is specific allegation against the petitioner who is said to have assaulted informant by means of farsa upon his head as a result of which he sustained head injury. It is alleged that there is specific allegation against co-accused Munna Rai who is said to have assaulted the informant by means of dabiya as a result of which



he sustained injury. It is alleged that there are other co-accused persons who are also said to have assaulted the informant by means of iron rod and lathi indiscriminately as a result of which informant sustained injury on whole body.

4. Learned counsel for the petitioner submits that the informant sustained only three injuries which are simple in nature. He further submits that there is allegation against more than twelve persons who are said to have assaulted the informant indiscriminately but the very injury report of informant indicates that he sustained only three injuries, which clearly shows that the prosecution story has been exaggerated by the informant himself. He further submits that there is title suit pending between the informant's father and petitioner alongwith other, as mentioned in Annexure 2 of the bail petition. He further submits that the F.I.R. has been lodged against the petitioner under Section 307 of I.P.C. just to make the offence graver as title suit is pending between the parties. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate in connection with C.R.I. No. 262 of 2019 arising out of Madhubani Town P.S. Case No. 61 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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