

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31128 of 2024

Arising Out of PS. Case No.-912 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Arjun Sah Son of Bhutela Sah Resident of Village - Bhitbherwa, P.O. and P.S.- Gopalganj Town, District - Gopalganj.
 2. Guddu Sah Son of Bhutela Sah Resident of Village - Bhitbherwa, P.O. and P.S.- Gopalganj Town, District - Gopalganj.
 3. Sagar Kumar Son of Raju Sah Resident of Village - Bhitbherwa, P.O. and P.S.- Gopalganj Town, District - Gopalganj.
 4. Prince Kumar Son of Raju Sah Resident of Village - Bhitbherwa, P.O. and P.S.- Gopalganj Town, District - Gopalganj.
 5. Raju Sah Son of Singhasan Sah Resident of Village - Bhitbherwa, P.O. and P.S.- Gopalganj Town, District - Gopalganj.
 6. Bantha Sah @ Mantu Sah Son of Badri Sah Resident of Village - Bhitbherwa, P.O. and P.S.- Gopalganj Town, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Santosh Kumar, learned Counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehends their arrest in connection with Gopalganj Town P.S. Case No. 912 of 2023, registered for the offences punishable under Sections 447, 342, 324, 323, 307, 379, 354, 427 and 506/34 of the Indian Penal Code.



3. Allegedly, the petitioners along with others barged into the house of the informant and threatened to withdraw the earlier case lodged from their side. The informant protested, whereupon the petitioner Arjun Sah inflicted *farsa* blow over the informant due to which she sustained grievous injury. It is further alleged that all the petitioners have brutally assaulted the informant and her family members causing various injuries. Further allegation of theft and loot has also been levelled.

4. It is contended on behalf of the petitioners that both the parties are *gotias* and there is a pending land dispute. Moreover, the present case is nothing but counter blast to the present FIR being Gopalganj Town P.S. Case No. 909 of 2023, which is instituted one day earlier to the present FIR. It is further contended that the petitioners have also sustained injuries at the hands of the persons of the informant's side. Drawing the attention of this Court to the injury reports, it is next contended that all the injuries have been found to be simple in nature except one sustained to the informant over her hand. Further submission has also been made that the names of some of the persons have been disclosed in the FIR that they have also sustained injuries, in course of their examination no injury has been found which also cause suspicion to the alleged occurrence.



5. On the other hand, learned Counsel for the State opposed the pre-arrest bail application. It is submitted that apart from the fact that petitioner nos. 3, 5 and 6 having one criminal antecedent, all the persons have brutally assaulted the informant and her family members.

6. Regard being had to the submissions made on behalf of the parties and considering the genesis of the occurrence which *prima facie* appears to be based upon land dispute and the fact that the injuries have sustained to the persons of both the sides, coupled with the case and counter case and the fact that grievous injury has sustained on the non vital part of the body, 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 Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 912 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the condition that one of the bailors shall be the own/close family members of the petitioners and also with the further condition that the petitioner



shall not be indulged in intimidating the witness/informant or try to gain over. In case the petitioner shall be found in similar kind of act, the prosecution shall be at liberty to file an appropriate petition for cancellation of his bail.

(Harish Kumar, J)

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