

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34927 of 2024

Arising Out of PS. Case No.-237 Year-2023 Thana- GANGTA District- Munger

Manoj Kumar Bhagat son of Bhushan Bhagat Village- Dariyapur Ps- Gangta
Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Tiwari, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-05-2024 Heard Mr. Krishna Kant Tiwari, learned counsel
appearing on behalf of the petitioner and the learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Gangta P.S. Case No. 237 of 2023, registered for the
offences punishable under Sections 341, 323, 379, 307 and
504/34 of the Indian Penal Code.

3. The allegation against the petitioner is of causing
iron rod blow over the Bittu Choudhary due to which he
sustained grievous injury. There is other allegation of assault
and snatching of valuables against the petitioner and others also.

4. Learned Advocate for the petitioner submits that
from the narrations made in the FIR it would be evident that on
account of construction of some window/wall of the house, a



free fight has taken place resulting into injuries to the person of both the sides. There is counter version of the present case being Gangta P.S. Case No. 240 of 2023. It is further contended that in fact the person of petitioner's side also sustained injuries but the prosecution has failed to explain the injuries sustained to the petitioner's side. The delay in lodging of the counter case has been explained in paragraph nos. 9 and 10 of the bail application. It is further contended that the petitioner is a man of fair antecedent and he undertakes that he will not indulge in such type of activities in future and will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the injured has sustained grievous injuries, apart from other simple injuries and the allegation stands corroborated from the injury report.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of the case and counter case in the premise of a land dispute, coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Munger in connection with Gangta P.S. Case No. 237 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 petitioner and with another condition that he will not indulged in intimidating the witnesses or the informant or in case, if he would be found indulged in similar kind of activities in near future, the prosecution shall be at liberty to file an application for cancellation of his bail bond.

(Harish Kumar, J)

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