

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48361 of 2024

Arising Out of PS. Case No.-498 Year-2023 Thana- UCHKAGAON District- Gopalganj

1. MANISH KUMAR @ MANISH GUPTA @ MANISH KUMAR GUPTA SON OF KEDAR SAH @ KEDRA SAW RESIDENT OF VILLAGE - ITWA, P.S. - UCHAKAGAON, DISTRICT - GOPALGANJ
2. DHANJEE SAH @ DHANJEE GUPTA SON OF JAY SHREE SAH RESIDENT OF VILLAGE - ITWA, P.S. - UCHAKAGAON, DISTRICT - GOPALGANJ
3. ANAND SAH @ ANAND KUMAR GUPTA SON OF LATE MANSHI SAH RESIDENT OF VILLAGE - ITWA, P.S. - UCHAKAGAON, DISTRICT - GOPALGANJ
4. KANHAIYA SAH SON OF LAKHICHAND SAH RESIDENT OF VILLAGE - ITWA, P.S. - UCHAKAGAON, DISTRICT - GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Ranjan Kumar
For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 04-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State, Mr. Rabindra Kumar.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.
3. The learned counsel for the petitioners submits that a supplementary affidavit has been filed for removing the defects as pointed out by the office with respect to defect no. 6(1). The rest defects, as pointed out by the office, are hereby



ignored.

4. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 18.12.2023, he came to know that the accused persons including the petitioners have come on his land and have laid bricks for starting the construction, accordingly, the informant went to the place of occurrence along with other persons, when Manish assaulted him on his head by a rod causing injury, further Anand assaulted his nephew by *lathi* causing swelling on his hand and thereafter all the accused assaulted him.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that on account of dispute relating to land, the present occurrence is alleged to have taken place. It is also submitted that an altercation had taken place in between the side of the petitioners and the informant in which both sides assaulted each other. It is also submitted that even presuming what has been alleged is true without admitting then the injury suffered by the injured is simple in nature and the blow was not repeated.



6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Uchakagaon P.S. Case No. 498 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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