

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45013 of 2024

Arising Out of PS. Case No.-402 Year-2023 Thana- MIRGANJ District- Gopalganj

1. Vishal Singh S/o Abhimanyu Bhagat R/o vill - Savreji, P.S. - Mirganj, Distt. - Gopalganj
2. Nishant Singh S/o Abhimanyu Bhagat R/o vill - Savreji, P.S. - Mirganj, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Mirganj P. S. Case No. 402 of 2023 dated 26-10-2023, instituted
for the offence punishable under Section 341,323,324,307,504,
506 and 34 of the Indian Penal Code.

3. The prosecution story, in brief, is that on
25.10.2023, the co-villager, namely Abhimanyu Bhagat of the
informant took him for immersion of the idol of goddess
Durga, and when they reached near Sabreji Mosque, then
accused persons, including the petitioners, who were ambushed
from before, suddenly, Abhimanyu Bhagat co-accused caught



hold both hands of the informant and all the other accused persons assaulting him on his head by knife with intention to kill him, due to which the informant sustained injuries. When the informant's cousin, namely, Raju Kumar Yadav came to save him, then all the accused persons also stabbed him on his stomach. It is further alleged that the informant got seven stitches on his head and his cousin has got five stitches on his abdomen by knife.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is no specific allegation of assault against the petitioners, rather there is general and omnibus allegation against all the accused persons of assaulting the informant and his cousin. Further submission is that from the injury reports of the informant and his cousin, which are annexed as Annexure-2 to the bail petition, it is clear that both have sustained simple injury caused by hard blunt object. The injury report does not corroborate the prosecution case. Lastly, it has been submitted that petitioners have no criminal antecedents.

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



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender before the learned Court below within six weeks from today, the petitioners be released on 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 CJM,Gopalganj, in connection with Mirganj P.S. Case No. 402 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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