

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56589 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- YADOPUR District- Gopalganj

1. Sandeep Kumar Son Of Mundrika Ram Village- Chatur Bagaha, Ps- Jadopur, Dist- Gopalganj
2. Mundrika Ram Son Of Gudari Ram Village- Chatur Bagaha, Ps- Jadopur, Dist- Gopalganj
3. Ambika Ram Son Of Gudari Ram Village- Chatur Bagaha, Ps- Jadopur, Dist- Gopalganj
4. Gudari Ram Son Of Hirapal Ram Village- Chatur Bagaha, Ps- Jadopur, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Ram
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 30-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seeks bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 325, 34 of the Indian Penal Code.
3. The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the informant alleges that his neighbours i.e. accused persons on 20.05.2023 at 06:00 p.m., were filling soil on the foundation for which a civil case is pending, on protest, it is alleged that,



Sandeep assaulted by *sword*, causing injury on head of the informant, thereafter, Ambika assaulted Ranjeet and Buniyad by *knife* indiscriminately, causing injury and they fell when Mundrika assaulted Buniyad with an iron rod, causing fracture of hand and leg and Dharmendra assaulted Urmila by *Barchha*, causing injury on head, thereafter, Harihar kicked Shila on her abdomen, who was carrying pregnancy of five months.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that on account of dispute relating to land, an altercation had taken place in which both sides assaulted each other. It is further submitted that from side of the petitioners, Gopalganj P.S. Case No. 119 of 2023 was instituted by the wife of Ambika against the informant and his side alleging that side of the informant were aggressor who assaulted Ambika and when Sandeep, Mundrika and others went to save him, they were also assaulted. It is next submitted that though petitioners are alleged to have assaulted Ganesh, Ranjeet and Buniyad but then the nature of injury suffered by them has not been discussed in the order impugned. It is also submitted that Sandeep is alleged to have assaulted Ganesh by *sword*, causing injury on head while Ambika is alleged to have



assaulted Ranjeet and Buniyad by *knife* indiscriminately, causing injury but then the injury suffered by them on account of assault by knife is not described in the FIR, though it is alleged that when they felt, Mundrika assaulted Buniyad by an *iron rod*, causing fracture of hand and leg. It is further submitted that from side of the petitioners also, persons were injured. It is submitted that no specific allegation is alleged against Gudari Ram.

5. The learned APP for the State opposes the anticipatory bail application and submits that there is specific allegation against Sandeep, Ambika and Mundrika of assaulting informant namely, Ranjeet and Buniyad, though, no specific allegation of assault is alleged against Gudari Ram.

6. 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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000 /- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IV, Gopalganj in connection with Jadopur P.S. Case No. 114 of 2023, subject to the conditions laid down under Section 438(2)



of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioners shall verify the injury report of Ganesh, Buniyad and Ranjeet and if it is found that they have suffered grievous injury, in that event, the present anticipatory bail order shall not be given effect to in favour of Sandeep, Mundrika and Ambika but if the injury suffered by the injured is simple in nature, in that event, the anticipatory bail bonds shall be accepted forthwith.

8. **The application stands allowed.**

(Satyavrat Verma, J)

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