

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63445 of 2024

Arising Out of PS. Case No.-360 Year-2024 Thana- BUXAR District- Buxar

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1. Mantu Prasad Gupta @ Mantu Gupta S/O Jawahir Prasad Gupta R/O Sohan Patti, Khalsi Mohalla, P.S- Buxar (Town), Distt.- Buxar.
 2. Krishna Kumar @ Krishna Kumar Gupta S/O Mantu Prasad Gupta @ Mantu Gupta R/O Sohan Patti, Khalsi Mohalla, P.S- Buxar (Town), Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-10-2024 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Buxar (Town) P.S. Case No. 360 of 2024 dated 07.07.2024 registered for the offence(s) punishable under Section(s) 191(2), 191(3), 190, 329(4), 115(2) and 109 of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution, Surendra Prasad Gupta (informant) stated that on 07.07.2024 at about 11:20 AM when the informant was at home the accused persons Mantu Prasad Gupta (petitioner no.1), Krishna Kumar (petitioner no.2) and others came to the informant's house armed with weapons and



attacked him on account of an old land dispute.

4. The main submissions advanced by the learned counsel for the petitioners are that both the parties are close relatives, the informant is a full brother of petitioner no.1 and petitioner no. 2 is the son of the petitioner no.1 and the allegations of assaulting the informant is general and omnibus against all the accused persons including the petitioners and the petitioner no. 2, who is a very young person and is aged about 19 years, has been made accused merely on account of being the son of the petitioner no.1. It is further submitted that a land dispute is running in between both the parties which is the genesis of the occurrence and the land in question was gifted by the mother of the informant in favour of petitioner no.1 being aggrieved by which the alleged occurrence took place.

5. On the contrary, learned APP appearing for the State has vehemently opposed the bail prayer of the petitioners and submitted that on the person of the informant, six injuries were found, out of them four fracture injuries were found and the informant was badly assaulted by the petitioners.

6. Considering the seriousness of the occurrence which appears from the number of injuries found on the person of the informant and four fracture injuries were found on his



person as per order impugned, in my opinion, the **petitioner no.1 (Mantu Prasad Gupta @ Mantu Gupta)** does not deserve the anticipatory bail accordingly **his prayer stands rejected.**

7. So far as the prayer of petitioner no. 2 (Krishna Kumar @ Krishna Kumar Gupta) is concerned, though he is named in the FIR and he is also carrying the same nature of allegation like the petitioner no.1 but any specific role of this petitioner has not been revealed and further he is said to be a 19 year old person having fair and clean antecedent, so, considering this aspect he deserves to a lenient approach of this court. Accordingly, let the **petitioner no. 2 (Krishna Kumar @ Krishna Kumar Gupta)** in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be **released on anticipatory bail in connection with Buxar (Town) P.S. Case No. 360 of 2024 on furnishing bail bond of Rs. 20,000/-(Twenty Thousand)** with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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