

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66570 of 2024**

Arising Out of PS. Case No.-178 Year-2024 Thana- RAJPUR District- Buxar

Umesh Chandra Gupta @ Panna Lal Son of Late Devcharan Shah Resident of
Village - Tiara, P.S. - Rajpur, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta, Adv.
For the Opposite Party/s : Mr.Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 07-10-2024 Heard Mr. Arun Kumar Gupta, learned counsel for
the petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Rajpur P.S. Case No. 178/ 2024 dated 12.06.2024
registered for the offence(s) punishable under Section(s) 341,
323, 325, 307, 504 read with section 34 of the Indian Penal
Code.

3. The main submissions advanced by learned counsel
for the petitioner are that the instant case arises out of Rajpur
P.S. case No. 178/ 2024 and on behalf of the petitioner Rajpur
P.S. case No. 177 of 2024 was lodged against the prosecution
party for the offences punishable under section(s) 447, 448, 341,
323, 325, 307, 379, 504 read with section 34 of the IPC and
before the trial court both the parties submitted pen drives



containing the video of the alleged occurrence and the same was seen by the trial court and thereafter, conclusion was made by the trial court that the petitioner and his wife are the real victims as they had to undergo a lengthy procedure of treatment and further, the injury reports of the petitioner and his wife have been filed as Annexure-4 series. It is further submitted that there is no serious allegation against this petitioner and he is alleged to have assaulted at the head of the informant by means of *Lathi* which does not come in the purview of a fatal weapon and further, the injury found on the head of the informant, which is specifically attributed to this petitioner, has been opined to be simple in nature. It is further submitted that against this petitioner there are criminal antecedents of three cases but the said cases were lodged in the year 2016, 2017 and 2019, respectively in which the petitioner is on bail, in fact, the informant of this case and others entered into the house of the petitioner and assaulted the petitioner and his family members badly and construction work is said to be the genesis of the occurrence.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the facts and circumstances of this



case as well as the above submissions and mainly taking into account the facts that an incident of free fight having taken place in between the parties on account of dispute relating to construction work and the informant, who is assaulted by this petitioner, sustained simple injury and from petitioner's side petitioner and his wife sustained injuries, whose injury reports have been filed before this court, in my opinion, in the said circumstances, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, 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 Rajpur P.S. Case No. 178/ 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)

BKS/-

U		T	
---	--	---	--

