

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67449 of 2024

Arising Out of PS. Case No.-525 Year-2024 Thana- SONEPUR District- Saran

Tej Bahadur Gupta @ Tej Bahadur Son of Kailash Sah R/O-Village- Barbatta,
Sonpur, P.S.- Sonpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Harish Kumar, Adv.
For the State	:	Mr.Dilip Kumar No. 1, A.P.P.
For the Informant	:	Mr. Jyoti Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner, learned counsel appearing for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sonpur P.S. Case No. 525 of 2024, registered on 19.06.2024 for the offences under Sections 341, 323, 324, 452, 379, 354, 307 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and other co-accused persons entered into the house of the informant and the petitioner struck on the head of the informant with iron rod causing its fracture. Other co-accused persons assaulted the mother, wife and other family members of the informant causing injuries to them. Further allegation against the petitioner is that



he also tried to strangle the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. From the FIR it is clear that both the parties are agnates and no cause or motive has been mentioned in the FIR which makes the case doubtful and the occurrence improbable. The true fact of the case is that informant and his family members brutally assaulted the petitioner and others and Sonpur P.S. Case No. 524 of 2024 has been lodged against the informant side and in retaliation thereof the present case has been lodged by the informant side as counterblast. Learned counsel further submits that only allegation against the petitioner is that of assaulting the informant with iron rod but the injury of the informant shows a lacerated wound in the occipital region of size 2cm x 0.5 cm and the nature of injury is stated to be simple and this shows superficial injury suffered by the informant. Learned counsel further submits that though the injured Chaman Raj suffered a number of injuries there is no allegation against the petitioner for causing any of the injuries to the victim Chaman Raj and allegation of causing the injuries is against other co-accused persons. Learned counsel further



submits that the petitioner is having clean antecedent and is in custody since 02.08.2024.

5. Learned A.P.P. appearing for the State and learned counsel appearing on behalf of the informant vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner was instrumental in assault of son of the informant, Chaman Raj who received altogether seven injuries and a number of fractures and injuries are stated to be grievous..

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the nature of allegation against the petitioner and further considering the case and counter version and also considering the period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran/concerned court, in connection with Sonpur P.S. Case No. 525 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close



relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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