

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75947 of 2024

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

Ajay Kumar Gupta @ Ajay Sah S/O Ramprit Sah Resident of Village-
Barbatta, Sonapur, P.S- Sonapur, District- Saran, Bihar- 841101.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 79943 of 2024

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

1. Ankit Anand @ Ankit Gupta, Son of Ajay Kumar Gupta, Resident of Village
- Barbatta, Sonapur, P.S. - Sonapur, District - Saran, Bihar- 841101
2. Yashwant Gupta @ Bihari Gupta, Son of Ajay Kumar Gupta, Resident of
Village - Barbatta, Sonapur, P.S. - Sonapur, District - Saran, Bihar- 841101

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 75947 of 2024)

For the Petitioner/s : Mr. Ritesh Jha, Advocate

For the State : Mrs. Madhuri Lata, APP

For the Informant : Mr. Jyoti Shankar, Advocate

(In CRIMINAL MISCELLANEOUS No. 79943 of 2024)

For the Petitioner/s : Mr. Ritesh Jha, Advocate

For the State : Mrs. Madhuri Lata, APP

For the Informant : Mr. Jyoti Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-12-2024 Since both the petitions arise out of Sonapur P.S.

Case No. 525 of 2024, as such, they have been taken up together

and are being disposed of by this common order.

2. Heard learned counsel for the petitioners and

learned A.P.P. for the State as well as learned counsel for the

informant.



3. In this case, the petitioners are apprehending their arrest in connection with Sonepur 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.

4. As per prosecution case, petitioners and other co-accused persons, making an unlawful assembly, attacked the house of the informant. Co-accused Tej Bahadur Gupta hit the informant on his head with an iron rod causing its fracture. Allegation against petitioner Ajay Kumar Gupta is for assaulting the family members of the informant and against petitioner Ankit Anand and Yashwant Gupta for throwing the household articles of the informant and threatening to set the house on fire.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. From the FIR, it is apparent that the informant and the petitioners are agnates and there is admitted land dispute between them. Prior to registration of the present case, co-accused Tej Bahadur Gupta registered Sonepur P.S. Case No. 524 of 2024 against the informant and others. The name of petitioner Ajay Kumar Gupta has been dragged in this case to compel him to transfer the disputed land in favour of the informant. Not only the petitioner but his sons have also been



named in this case who are petitioners Ankit Anand and Yashwant Gupta. Learned counsel further submits that petitioner Ajay Kumar Gupta is having unblemished record and he is aged about 59 years and it is not believable that at this age he would involve in such type of criminal activity. Further, allegations against other two petitioners is just to drag them in the present case as they are the sons of petitioner Ajay Kumar Gupta. Even the injured persons have not named the petitioners for being their assailants. Thus, the learned counsel submits that there is no serious allegation against the petitioners and whatever the allegations have been levelled, are completely false and concocted. The petitioners are having clean antecedent.

6. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that the petitioners assaulted a number of persons of the family of the informant including the informant. Son of the informant has suffered fracture of head in this assault. At this stage, learned counsel for the petitioners submits that there is no allegation of assaulting the son of the informant against the petitioners.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that there is no specific allegation against the petitioners and further considering the possibility of false implication and clean antecedent of the petitioners, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, 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 Chief Judicial Magistrate, Saran/court concerned in connection with Sonapur P.S. Case No. 525 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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