

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81245 of 2023

Arising Out of PS. Case No.-264 Year-2023 Thana- MAIRWAN District- Siwan

1. Dinesh Prasad Gupta @ Dinesh Kumar, Male, aged about 55 years, S/O Motichand Prasad Gupta, Resident of Mohalla- Belthara, P.S.- Belthara, District- Allahabad, U.P.
2. Indu Devi @ Indu Gupta, Female, aged about 47 years, W/O Dinesh Prasad Gupta @ Dinesh Kumar, Resident of Mohalla- Belthara, P.S.- Belthara, District- Allahabad, U.P.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ram Sandesh Roy, Advocate
For the Opposite Party	:	Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 31-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Mairwa P.S. Case No. 264 of 2023 dated 16.08.2023 registered for the offences punishable under Sections 452, 341, 323, 302, 504, 506 and 120B of the I.P.C.

4. As per the prosecution case, the petitioners alongwith other co-accused persons are alleged to have



dismantled the wall of the godown of the informant's house and altercation erupted and during altercation, the petitioners alongwith others pressed the neck of the informant's father, Laxmi Narayan Gupta, due to which he died.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the petitioners are the son-in-law and daughters of the family of the informant and they are residing out side the State of Bihar. It is submitted that when the wall of the informant was dismantled, F.I.R. was not registered but after lapse of two years, the occurrence occurred on 16.08.2023, according to the informant. The informant's father has died due to heart attack or fell down from the stairs of the house who was more than 70 years old but due to land dispute the petitioners have been dragged in the present case. It is further submitted that as per the F.I.R., the allegation against the petitioners is that the petitioners alongwith other co-accused, pressed the neck of the informant's father and due to that he died but according to the postmortem report there is no sign of pressing of neck as mentioned in paragraph no. 35 of the case diary. There is general and omnibus allegation against the petitioners. The petitioners have clean antecedent as stated in



paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Siwan, in connection with Mairwa P.S. Case No. 264 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

