

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86201 of 2023

Arising Out of PS. Case No.-772 Year-2023 Thana- KHAGARIA District- Khagaria

1. Naina Gupta, aged about 43 years, Gender-Female, wife of Rajesh Gupta,
2. Rohit Kumar Gupta, aged about 24 years, Gender- Male, son of Rajesh Gupta,
Both resident of Malgodam Road, Ward No. 2, P.S. - Khagaria, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S. D. Sanjay, Senior Advocate with Mr. Mohit Agarwal, Advocate Mr. Rahul Kumar, Advocate Mr. Vishal Kumar, Advocate
For the Opposite Party/s :		Mr. Anant Kumar 1, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-01-2024 Heard Mr. S. D. Sanjay, learned senior counsel for the

petitioners and learned Additional Public Prosecutor for the

State.

2. The petitioners apprehend arrest in connection with

Khagaria PS Case No.772 of 2023 dated 30.07.2023, instituted

under Sections 341, 323, 325, 307, 354/34 of the Indian Penal

Code.

3. The allegation against the petitioners is that they

along with co-accused Rajesh Gupta threatened to kill the

informant and his family members. When the father of the

informant objected, all the accused persons started abusing and



assaulting him with rod on his head due to which he sustained injury on head and nose. On hearing sound of *hulla*, the informant came to save his father then co-accused, Rajesh Gupta, and petitioner no. 1, Naina Gupta, ordered to kill him. Thereafter, all the accused persons assaulted the informant on his head with iron rod causing head injury. When the mother of the informant came to save him, she was also assaulted.

4. Learned senior counsel for the petitioners submits that petitioners are the mother and son. There is family dispute between the informant and his own nephew due to which scuffle took place between the parties in which both sides have sustained injuries. Both the sides have lodged the case against each other. Both the sides have sustained grievous injury. It is further submitted that Title Suit No.92 of 2021 has been filed by the husband of the petitioner no. 1 and the father of the petitioner no.2 against the father of the informant. In the said Title Suit, an injunction order has been passed by the Sub Judge, 1st, Khagaria, on 24.12.2021 whereby both the sides have been restrained from transferring the suit land in any way till the disposal of the case. It is also submitted that husband of the petitioner no.1 has also suffered grievous injury and his hands have been broken. Learned senior counsel further submits that



Rekha Devi, mother-in-law of the petitioner no.1, who is grand-mother of the informant, had filed an informatory petition before the SDO, Khagaria, in the year 2002, against her elder son Raj Kumar Gupta i.e., the father of the informant. Lastly, it has been submitted that the petitioners are accused in one more case which has been lodged by the same informant.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in Khagaria PS Case No.772 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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