

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38245 of 2025

Arising Out of PS. Case No.-1136 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Rajesh Kumar Gupta Son of Arvind kumar Gupta @ Arvind Prasad Gupta
Resident of village Daroga Tola , P.S- Banjariya District East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2025 Heard Mr.Pramod Kumar Sinha, learned counsel for

the petitioner and Mr.Chandra Sen Prasad Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Turkauliya (Banjariya) P.S.Case No.1136 of
2023, FIR dated 06.11.2023 registered for the offences
punishable under Sections 341,323,324,307,504,34 of IPC.

3. The prosecution case, in short, is that on 03-11-
2023 at about s 09:00 A.M. accused Ramnath Prasad was
constructing house in the land of informant and when the
informant objected, petitioner-accused Rajesh Kumar Gupta and
co-accused person, namely, Sonu Kumar and co-accused
Ramnath Prasad assaulted the informant and dashed him on the



ground and thereafter, accused Sonu Kumar and Ramnath Prasad with an intention to commit murder tied rope around the neck of informant and petitioner Rajesh Kumar Gupta gave blow of knife on the head of informant, causing injury with oozing of blood. Thereafter, neighbour taken the informant to Sadar Hospital, Motihari for treatment.

4. Learned counsel for the petitioner submits that due to admitted land dispute the present occurrence had taken place. Although there is specific allegation against the petitioner that he assaulted to the informant by means of knife and informant has received the injury but the injury report of the informant suggests that he has received two injuries, first injury is by sharp object and second is by hard and blunt object and both the injuries are simple in nature.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation of assault or overt-act attributed against the petitioner and apart from that, the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts and injury inflicted



upon the informant is simple in nature, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S.Case No.1136 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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