

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69045 of 2024

Arising Out of PS. Case No.-225 Year-2023 Thana- CHHATAPUR District- Supaul

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Brahmdev Kumar Gupta @ Brahmdeo Kumar Gupta Son of Late Badri
Narayan Sah Resident of Village- Bhattabari, Ward 05, P.S- Chhatapur, Dist-
Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-02-2025 1. Heard learned counsel for the petitioner and Mr. Rabindra Kumar, learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 354(B), 308, 379, 504 and 506/34 of the Indian Penal Code and subsequently Sections 302 and 313 of the Indian Penal were added.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.
4. The informant alleges that on 28.06.2023 at 08:00 a.m. accused persons, namely, Jagarnath Sah, Shivnath Sah, Brahmdeo Kumar (petitioner), Sobha Devi and Manju Devi came variously armed and threatened him to leave the agricultural land. On protest, it is alleged that petitioner gave



orders to kill on which Shivnath Sah, Jagarnath Sah and petitioner caught the hands of the informant while Manju Devi and Sobha Devi tied clothe around his neck and tried to drag him. Further, when his wife, daughter and son came to save him, the accused assaulted them. It is further alleged that Shivnath Sah assaulted the informant by an iron rod causing injury on head and Jagarnath Sah looted an amount of Rs.12 lakhs which the informant had kept after selling his land and the accused persons also assaulted his daughter Kanchan Devi.

5. Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that petitioner is alleged to have given orders and is also alleged to have caught the informant. It is further submitted that informant is own brother of Jagarnath Sah and Shivnath Sah and on account of dispute relating to land, the alleged occurrence took place and since petitioner supports Jagarnath Sah and Shivnath Sah being agnate, as such, he also came to be implicated. It is next submitted that Chhatapur P.S. 227 of 2023 was instituted from the side of the petitioner against the informant and his side. It is also submitted that daughter of the informant Kanchan Devi was pregnant, who died during the course of treatment, as such, the child in the womb also



succumbed, hence, Sections 302 and 313 of the Indian Penal Code were later added. It is further submitted that Kanchan Devi did not die on account of assault but died on account of complication arising out of pregnancy. It is also submitted that petitioner being agnate came to be implicated since he supports Jagarnath Sah and Shivrath Sah.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chhatapur P.S. Case No. 225 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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