

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79103 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- DUMRAO District- Buxar

SHASHIKANT GUPTA SON OF LAXMAN SAH @ LAKSHMAN
PRASAD RESIDENT OF VILLAGE - PURANA BHOJPUR, POST OFFICE
- PURANA BHOJPUR, P.S. - DUMRAON, DISTRICT - BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Choubey
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad
For the Informant	:	Mr. Brij Mohan Das

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-01-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State, Mr. Chandra Bhushan Prasad and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 447 and 120B of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a Marine Engineer and works abroad.
4. It is next submitted that the informant alleges that accused persons including the petitioner came to his house



and petitioner assaulted him by *farsa* causing injury on head, further when his son Ankur came, he was assaulted by Amarjeet by rod causing injury on head, further Pankaj and Pradeep assaulted his younger son by rod causing injury on his hand, it is further alleged that Diwan, Dwarika, Vindhyachal and Ashok assaulted sons of his uncle namely Rajeev and Satish by rod and *farsa* causing injury.

5. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that informant alleges that it was this petitioner who assaulted him by *farsa* causing injury on head, but then it is submitted that the nature of injury is lacerated, as such, it does not appear probable that on account of assault by *farsa*, lacerated wound would have been caused to the informant. It is further submitted that allegation gives an impression that the entire family members have been made an accused with some allegation though not specific. The learned counsel for the petitioner reiterates his earlier submission and submits that petitioner is a Marine Engineer and mostly remains abroad and spends much of his time on the ship, further petitioner had come to his village from Mumbai on 26.03.2024 on the eve of *Holi* festival, as would manifest from the confirmed



flight ticket (Annexure P/3). It is next submitted that informant and the petitioner's family are *agnates* and the informant was running a cattle chaff business and on account of business dispute, an altercation had taken place leading to the occurrence. It is next submitted that from side of the petitioner also, Dumraon P.S. Case No. 111 of 2024 has been filed.

6. The learned counsel for the petitioner next submits that since petitioner is a Marine Engineer and on the date of occurrence, he had come to his village, as such, he also came to be implicated with an allegation that he assaulted the informant by *farsa* causing injury on head, it is further submitted that the petitioner has been implicated only with a view to coerce his family members into submission as he is the main earning member of his family.

7. The learned counsel for the petitioner next submits that petitioner has documentary evidence to substantiate that he was not present at the place of occurrence when the occurrence is alleged to have taken place, but then it is for the police to investigate the case in its correct perspective.

8. The learned counsel appearing on behalf of the



informant vehemently opposes the prayer for anticipatory bail of the petitioner and submits that there is specific allegation against this petitioner of assaulting the informant by *farsa* causing injury on head, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that wound caused to the informant is lacerated and thus could not have been caused by a sharp edged weapon. The learned counsel for the informant further submits that the informant, during the course of treatment died, which amply demonstrates that the force used for committing the occurrence was much in excess, on which the learned counsel appearing on behalf of the petitioner submits that the informant died six months after the occurrence, as such, it cannot be said that the assault was the proximate cause of death.

9. The learned counsel for the informant further submits that in the event, if petitioner is granted the privilege of anticipatory bail, in that event petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence that he was not present at the place of occurrence and he came to be



implicated merely for the reason that he is a Marine Engineer and is the main earning member of his family. It is also submitted that petitioner will produce all the required documents to prove his innocence during the course of investigation.

10. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Dumraon (Naya Bhojpur OP) P.S. Case No. 112 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

11. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating or is not presenting himself as and when required in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.



12. Further, it is made clear that if charge sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall lose its effect.

13. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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