

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28 of 2025

Arising Out of PS. Case No.-5 Year-2017 Thana- BAHADURPUR District- Patna

1. Gopal Krishna Prasad @ Gopal Krishna @ Gannu S/o- Late Moti Lal Resident of Mohalla- Dujra Devi Asthan PS- Budha Colony District- Patna
2. Shubham Kumar S/o- Gopal Krishna Prasad @ Gopal Krishna @ Gannu Resident of Mohalla- Dujra Devi Asthan PS- Budha Colony District- Patna
3. Saurabh Kumar S/o- Gopal Krishna Prasad @ Gopal Krishna @ Gannu Resident of Mohalla- Dujra Devi Asthan PS- Budha Colony District- Patna
4. Sanjay Kumar S/o- Late Moti Lal Resident of Mohalla- Dujra Devi Asthan PS- Budha Colony District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Maharaj

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-02-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections of the Indian Penal Code.

3. The prosecution case in short is that on 12.01.2017 at about 06:00 AM, the informant was returning after collecting Rs.80,000/- from Bora Karobari Deepak Kumar @ Sethji and reached near Kuradena then, these petitioners assaulted him. It is further alleged that petitioner no. 4 (Sanjay Kumar) snatched



Rs.80,000/- from informant and petitioner no. 1 (Gopal Krishna Prasad) assaulted informant with shoe, as a result of which, informant's leg got fractured.

4. Learned counsel for the petitioners submits that due to previous land dispute between the parties, this false and concocted case has been lodged. The present case is counter blast of Budha Colony P.S. Case No. 16 of 2016, filed by petitioner no. 4 against informant and his family members. Though, there is allegation of assault, but there is no injury report on record to substantiate the allegation. Rest of the allegation is ornamental in nature.

5. Learned A.P.P. for the State has opposed the bail petition and submitted that petitioners are named in the F.I.R. and there is specific accusation of causing assault against petitioner no. 1 and besides present case, petitioner no. 1 has got five criminal antecedent also.

6. Considering the nature of accusation and criminal antecedent of petitioner no. 1 (Gopal Krishna Prasad), his prayer for anticipatory bail is rejected.

7. So far as other petitioners are concerned, since there is general and omnibus allegation and no specific overt act has alleged against them, in the event of their arrest/surrender



within a period of eight weeks from today, let the petitioner nos. 2 to 4, as named above, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna city, Patna in connection with Bahadurpur P.S. Case No. 5 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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