

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12769 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- ATRI District- Gaya

-
1. Kamlesh Kumar, aged about 31 years (Male), Son of Amirak Prasad @ Amirak Yadav, Resident of Village - Tetua Tand, P.S.- Atri, Distt.- Gaya.
 2. Mukesh Kumar, aged about 33 years (Male), Son of Rajballav Yadav, Resident of Village - Tetua Tand, P.S.- Atri, Distt.- Gaya.
 3. Guddu Kumar @ Guddu @ Sindhu Kumar, aged about 28 years (Male), Son of Amirak Prasad @ AmirakYadav, Resident of Village - Tetua Tand, P.S.- Atri, Distt.- Gaya.
 4. Amirak Prasad @ Amirak Yadav, aged about 64 years (Male), Son of Ramprasad Yadav, Resident of Village - Tetua Tand, P.S.- Atri, Distt.- Gaya.
 5. Dinesh Kumar, aged about 32 years (Male), Son of Siya Sharan Yadav @ Siya Sharan Prasad Resident of Village - Tetua Tand, P.S.- Atri, Distt.- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Shailesh Kumar, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-04-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 448, 325, 307, 354, 379, 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that the petitioners



tried to cut the *Pusta* of his wall by *Chapra* and when his son tried to stop them then the accused persons assaulted him and his son with *Chapar* and *Lathi*. During the course of assault, Dinesh Kumar (petitioner no. 5) took away Rs. 20,000/- from the pocket of his son. He sustained injury on his head and co-accused Mahesh Kumar hit the head of his son with handle of *Chapar* from back side due to which his son became unconscious. He further stated that during the course of assault Kamlesh Kumar (petitioner no. 1) entered into his house and tried to disrobe his daughter-in-law but when she made hulla, he ran away.

It has been submitted by learned counsel for the petitioners that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case. There is no allegation of assault alleged against the petitioners. The allegation of assault is alleged against co-accused Mahesh Kumar. Except for offence 307 of the I.P.C., rests of the offences are triable by the Magistrate.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) only each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIII, Gaya, in connection with Atri P.S. Case No. 178 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

