

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38332 of 2020

Arising Out of PS. Case No.-108 Year-2020 Thana- GAYA MUFASIL District- Gaya

1. Ganesh Yadav, son of Bhola Yadav, Resident of Village- Budhgere, P.S.- Muffasil and District- Gaya (Bihar)
2. Parsuram Sao, son of Buta Sao @ Anad Saw, Resident of Village- Budhgere, P.S.- Muffasil and District- Gaya (Bihar)
3. Rajesh Sao, son of Maharaj Sao, Resident of Village- Budhgere, P.S.- Muffasil and District- Gaya (Bihar)
4. Maharaj Sao, son of Late Lalji Prasad, Resident of Village- Budhgere, P.S.- Muffasil and District- Gaya (Bihar)
5. Chhotu Kumar @ Chhotu Yadav, son of Bhola Yadav, Resident of Village- Budhgere, P.S.- Muffasil and District- Gaya (Bihar)
6. Ravindra Gupta, son of Late Ishwari Sao, Resident of Village- Budhgere, P.S.- Muffasil and District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 07-07-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Gaya Muffasil P.S. Case No. 108 of 2020, registered under



Sections 147, 148, 149, 323, 324, 307, 379, 435, 427 and 504 of the Indian Penal Code.

The accusation is that informant, Kishori Yadav, had gone to market in the evening of 10.03.2020, where 23 persons named in the FIR including the petitioners and 15 unknown surrounded him and started to cause assault. In that course, Parsuram Sao (petitioner no.2) caused fracture injury at his left hand through lathi and Ankit Yadav gave lathi blow causing injury at his head. At that time, Jalo Prasad caused injury near his eye through iron rod and Sanjay Sao snatched gold chain from his neck and also took Rs.7500/- from his pocket. In the meantime, Chintu Yadav put fire on his motorcycle.

Learned counsel for the petitioners submits that occurrence of Marpit took place, in which, petitioners' side also sustained injury, regarding which, Gaya Muffasil P.S. Case No. 99 of 2020 is also instituted against the informant and others. Further submission is that while petitioner nos. 1, 3, 4, 5 and 6, namely, Ganesh Yadav, Rajesh Sao, Maharaj Sao, Chotu Kumar and Ravindra Gupta are named in the FIR but no specific overt act has been attributed against them, in fact, the allegation has been made against petitioner no. 2, Parsuram Sao, to cause fracture injury at the left hand of the informant through lathi.



Having regard to the facts and circumstances of the case, let petitioner nos. 1, 3, 4, 5 and 6, namely, Ganesh Yadav, Rajesh Sao, Maharaj Sao, Chotu Kumar and Ravindra Gupta, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya,. in connection with Gaya Muffasil P.S. Case No. 108 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as the prayer for pre-arrest bail of petitioner no.2, namely, Parsuram Sao is concerned, taking into consideration the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the him. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no. 2 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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