

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4529 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- DAUDNAGAR District- Aurangabad

1. Yugal Kumar S/o Binod Singh R/o Village- Chauram, P.S.- Daudnagar, District- Aurangabad
2. Subhash Singh S/o Binod Singh R/o Village- Chauram, P.S.- Daudnagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 05-12-2022 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Daudnagar P.S. Case No. 253 of 2021, registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 504 and Section 506 of the Indian Penal Code.

The prosecution story as emerges from the FIR is that as per the informant, 15 persons including the petitioners armed with pistol, khanti, sword, lathi abused and assaulted Raju Kumar, Golden Kumar, Bharat Kumar and Sita Kumari, causing severe injury to them.



The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is case and counter case regarding the alleged occurrence and there is also land dispute between the parties. He further submits that the allegation against Yugal Kumar of causing injury is supported by injury report because as per allegation he has caused injury by sword to Golden Kumar but the allegation against Subhash Kumar is not supported by the injury report because as per the allegation he has caused injury by sword to Raju and also tried to pierce khanti on the informant's stomach which itself is contradictory.

The petitioners have been languishing in jail since 22.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedent.

However, the Ld. Counsel for the Informant and



Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the injury caused is serious in nature and on vital parts of the body. The trial in this case is on its fag end.

Considering the aforesaid facts and circumstances, I am not persuaded to enlarge the petitioners on bail at this stage.

The application stands rejected accordingly.

However, if the Trial is not concluded within three months from today, the Trial Court will enlarge the petitioners on bail.

However, Trial should not be prolonged without any reason and the adjournment must be caused by legal reason, otherwise, the Court below will have to explain the delay.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.



(Jitendra Kumar, J)

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