

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37885 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- PARAIYA District- Gaya

1. Awadhesh Prasad Mathuri Son Of Nandu Prasad Resident Of Village Paraiya Bazar, Azamtganj, P.S. Paraiya, District - Gaya.
2. Santosh Prasad Mathuri Son Of Nandu Prasad Resident Of Village Paraiya Bazar, Azamtganj, P.S. Paraiya, District - Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Adv.

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-09-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Paraiya P.S. Case No. 99 of 2022 lodged under Sections 147, 148, 149, 341, 323, 307 of the I.P.C. and 27 of Arms Act.

As per the prosecution case, the case has been lodged against 4 known and 15 unknown persons for the occurrence that took place on 31.03.2022. The informant has alleged that he along with his friend Deepak, was talking in front of the house of the accused and in the meantime 2 named accused persons and his associates in total 15, came and started assaulting the informant and his friend by the butt of gun. When villagers came, they entered into the house of the present petitioners. And subsequently went on the roof of the petitioners, house and started firing. The specific allegations against the petitioners are

that in the entire episode they are in connivance with those persons who have attacked the informant.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He further submits that from the F.I.R. it transpires that there is nothing specific against the present petitioners. Learned counsel further submits that there is case and counter case for the same date and time of occurrence. One has been lodged from the informant's side and another has been lodged from the petitioners' side which is Annexure – 2. Learned counsel for the petitioners submits that both are neighbours. Learned counsel for the petitioner further submits that Annexure-3 is the injury report in which injury shown is simple. The police has produced the seizure list in which 1 *khokha* was alleged to be recovered and it was produced by the informant himself. Learned counsel for the petitioners submits petitioners are in custody since 01.04.2022 having 2 criminal cases and in both the cases they are on bail. Learned counsel for the petitioners submits that they are ready to fulfill all the conditions whatsoever shall be imposed upon them.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sri Vijaykant Singh, Judicial Magistrate, Class, Gaya in connection with Paraiya P.S. Case No. 99 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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