

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65507 of 2021

Arising Out of PS. Case No.-55 Year-2021 Thana- TEKARI District- Gaya

1. ASHUTOSH KUMAR MISHRA Son of Vijay Kumar Mishra Resident of Village- Law, Police Station- Tekari, District- Gaya.
2. Uttam Kumar Son of Suryadev Singh @ Suryadev Dangi Resident of Village- Law, Police Station- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar No. 2, APP
For the Informant	:	Mr. Sanjeev Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-03-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, about two dozens accused persons including the two petitioners herein are stated to have assaulted the informant leading to serious injuries.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. The allegations are general and omnibus in nature. The injury report of the informant does not corroborate the allegations in the FIR.



In so far as against assault by two dozens persons variously armed with iron rod, *lathi*, hunter etc., the injuries found are bleeding through nose, abrasion on upper leg and pain and swelling over the left hand. The petitioners are in custody since 18.8.2021 and chargesheet has been submitted in the case. It is further submitted that the case of the petitioners stand on a similar footing to that of co-accused Ashok Kumar and Kundan Yadav who have been enlarge on bail vide order dated 23.12.2021 passed in Cr. Misc. no. 65640 of 2021.

The prayer for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is direct allegation against the petitioners of having assaulted the informant. Further the learned court below has observed that the entire injury report of the informant has not been brought on record. It is prayed that the application be rejected.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioners having remained in custody for over 6 months and investigation in the case having concluded, the petitioners are directed to be enlarged on bail in connection with Tekari P.S. Case no. 55 of 2021 on each of them furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of the learned Judicial
Magistrate 1st Class, Gaya.

(Partha Sarthy, J)

Spd/-

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