

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28336 of 2023

Arising Out of PS. Case No.-321 Year-2022 Thana- KARAHGAR District- Rohtas

1. Arun Kumar Pathak Son Of Gaya Narayan Pathak R/O Village- Baheri, P.S.- Kargahar, District- Rohtas
2. Vijay Bahadur Pathak Son Of Gaya Narayan Pathak R/O Village- Baheri, P.S.- Kargahar, District- Rohtas
3. Raju Ranjan Pathak Son Of Gaya Narayan Pathak R/O Village- Baheri, P.S.- Kargahar, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Jai Narayan Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Kargahar P.S. Case No.321 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act. The petitioners have got two criminal antecedents each.

As per the prosecution story, the allegation against the petitioners is that they had assaulted the informant and his father by sharp cutting weapons.



Learned counsel for the petitioners submits that the petitioners and the informant are gotiyas and co-sharers and there is a case and counter case between the parties. Learned counsel submits that the injuries received by the informant's side have been caused by hard and blunt object and save and except one injury no.4 of the informant all other injuries are simple in nature.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein there is a case and counter case between the parties, they are gotiyas and co-sharers, the allegation against the petitioners is that they had assaulted the informant and his father by sharp cutting weapons, however, the injury report of the informant and his father shows that those injuries have been caused by hard and blunt object and save and except one injury no.4 of the informant all other injuries are simple in nature, the injury report of the petitioner no.3 has also been enclosed to show that he was also assaulted by the informant's side, in the nature of the allegations giving rise to the case and counter case between the parties, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the



petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 321 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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