

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36182 of 2023

Arising Out of PS. Case No.-867 Year-2022 Thana- GAYA MUFASIL District- Gaya

1. GIRJA YADAV S/O LATE GOPI MAHTO R/O Mohalla-Utri Lakhbag (Janakpur) P.S. Muffasil, Dist.-Gaya
2. MUNNA YADAV S/O LATE DURVIJ YADAV R/O Mohalla-Utri Lakhbag (Janakpur) P.S. Muffasil, Dist.-Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-07-2023 Heard the parties.

The petitioners are in custody in connection with Gaya Muffassil P.S. Case No. 867 of 2022 for the offence under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code and under Sections 25(1-b)a, 26 and 35 of Arms Act lodged on 30.10.2022 by the informant, Santosh Kumar.

As per the prosecution story, the allegation of assault on the informant is attributed to Sanjay Yadav, Ranjay Yadav and Satendra Yadav. So far as these petitioners are concerned, omnibus allegation is there.

Learned counsel for the petitioners submit that there is specific allegation against the three accused persons of causing



injury by the 'butt' of the pistol, assault as also rod blow, while the allegation is omnibus against these petitioners, have suffered by being in custody since 24.01.2023 (as stated in paragraph 11 of the petition).

Learned APP opposes the stating that they have criminal antecedent.

Considering the aforesaid submissions put forward by the learned counsel for the petitioners as also that the nature of allegation is/are omnibus against them, are in custody since 24.01.2023 , this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M., 1st Class, Gaya, in connection with Gaya Muffassil P.S. Case No. 867 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their



bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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