

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1921 of 2023

Arising Out of PS. Case No.-372 Year-2021 Thana- ATRI District- Gaya

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ARUN KUMAR Son of Baburam Singh Resident of Village- Gangati, P.S.-
Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 34449 of 2022

Arising Out of PS. Case No.-372 Year-2021 Thana- ATRI District- Gaya

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RAHUL KUMAR Son of Arun Kumar Resident of Village - Gangti, P.s.- Atri,
Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 1921 of 2023)

For the Petitioner/s : Mr.Bindeswari Singh, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 34449 of 2022)

For the Petitioner/s : Mr.Birendra Kumar, Adv.

For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-03-2023 Heard learned counsel for the petitioners and

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioners seek bail in a case registered for

the offence under Sections 341, 342, 343, 323, 324, 307, 379,

504, 506 and 34 of the Indian Penal Code.



While the informant was going to purchase seed, the petitioners and others intercepted him and assaulted him with iron rod causing injury on his right leg. Other accused has also assaulted him with lathi.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioners and the specific allegation of assault by means of iron rod is attributed to the co-accused, Baburam Singh. He further submits that due to previous land dispute, the occurrence took place. He further contends that the injury report suggests that all injuries sustained by the informant are simple in nature except one which is inflicted by the co-accused. The petitioners are rotting in judicial custody since 29.05.2022.

Learned A.P.P. for the State as well as learned counsel for the informant has opposed the prayer for bail of the petitioner and submits that the petitioner, namely, Arun Kumar carries one more cases other than the present one whereas petitioner namely, Rahul Kumar carries two more cases other than the present one. It has also been contended



that charge in this case has been framed and the trial is going on.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Atri P.S. Case No. 372 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 petitioner. 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.

(Rajesh Kumar Verma, J)

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