

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50481 of 2023

Arising Out of PS. Case No.-164 Year-2021 Thana- KONCH District- Gaya

1. Baiju Kumar Son Of Alakhdeo Yadav Resident Of Village- Chhatihar Jamalpur, Ps- Konch, Distt- Gaya
2. Aiju Kumar Son Of Alakhdeo Yadav Resident Of Village- Chhatihar Jamalpur, Ps- Konch, Distt- Gaya
3. Parshuram Kumar Son Of Indradeo Yadav Resident Of Village- Chhatihar Jamalpur, Ps- Konch, Distt- Gaya
4. Gautam Kuamr @ Vivek Kumar Son Of Rajkumar Yadav Resident Of Village- Chhatihar Jamalpur, Ps- Konch, Distt- Gaya
5. Anil Kumar @ Anil Yadav Son Of Shiv Kumar Yadav Resident Of Village- Chhatihar Jamalpur, Ps- Konch, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-08-2023 Heard the learned counsel for the petitioners and

the State.

2. The present petition has been filed on behalf of

the petitioners, apprehending their arrest, in connection with

Konch P. S. Case No. Case No. 164 of 2021, registered for

the offences punishable under Sections 341, 323, 324, 307

and 379 and 34 of the Indian Penal Code.

3. As per the allegation, on 30.04.2021 at about

10.00 P.M., when the informant was alone at her home, the



accused persons jumped into her house and started assaulting her, due to which she sustained injury. Allegations of showing revolver; snatching golden chain, Mangalsutra, nose-pin; and taking away Rs. 20,000/- are also there.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no specific allegation against the petitioners. He further submits that as per the injury report, the alleged injury is simple in nature and that too on the hands of the victim, which shows that there was no intention to kill the victim and hence Section 307 IPC will not apply in this case.

5. It is also stated in paragraph no. 2 of the petition that no similar petition has earlier been filed by the petitioners either before this Court or before the Hon'ble Apex Court.

6. It has further been stated that the petitioners have no criminal antecedent.

7. The learned APP for the State has opposed the



prayer for bail.

8. Considering the aforesaid facts and circumstances, the petitioners above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. J.M. 1st Class, Gaya, in connection with Konch P. S. Case No. Case No. 164 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioners.

9. The application stands allowed accordingly.

10. The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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