

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51576 of 2023

Arising Out of PS. Case No.-773 Year-2022 Thana- SHERGHATI District- Gaya

1. Srikant Singh S/O Late Prasidh Singh R/O Village- Mansabigha, Ps. Sherghati, Dist. Gaya
2. Vikku Kumar, S/O Srikant Singh R/O Village- Mansabigha, Ps. Sherghati, Dist. Gaya
3. Ujjwal Kumar, S/O Srikant Singh R/O Village- Mansabigha, Ps. Sherghati, Dist. Gaya
4. Anita Devi, W/O Srikant Singh R/O Village- Mansabigha, Ps. Sherghati, Dist. Gaya
5. Gudiya Devi @ Guddi Devi, W/O Kamalkant Singh R/O Village- Mansabigha, Ps. Sherghati, Dist. Gaya
6. Runa Devi @ Rima Devi, W/O Vikash Singh R/O Village- Mansabigha, Ps. Sherghati, Dist. Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Sherghati P.S. Case No. 773 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 354, 307, 325/34 of the Indian Penal Code. They have one criminal antecedent.

3. As per the prosecution story, on 17.08.2022 at about 10:00 P.M. the FIR named accused persons including



these petitioners armed with lathi, danda and pistol entered the house of the informant. Vikku Kumar (petitioner no. 2) snatched golden chain of the informant worth Rs.1,00,000/-. One Vikash Kumar assaulted on the head of Pushpa Devi with khanti which caused head injury. Srikant Singh (petitioner no. 1) assaulted Pankaj Singh on head by khanti due to which he suffered head injury and bleeding.

4. Learned counsel for the petitioners submits that there is case and counter case between the parties with respect to the alleged occurrence and the present case has been lodged after lodging of the Sherghati P.S. Case No. 766 of 2022 by the petitioner no. 2. It is further submitted that there are ornamental allegations against the petitioners.

5. Learned counsel submits that there is a delay of about nine days in lodging of the FIR without any plausible reason. It is further submitted that the specific allegation of assault is against the co-accused Kamalkant Singh who is not petitioner in the present case.

6. Learned APP for the State has opposed the prayer for bail of the petitioners. However, it is not denied that the injury inflicted by petitioner no. 1 is said to be simple in nature.

7. Having regard to the facts and circumstances of the



case, there is a case and counter case between the parties with respect to the alleged occurrence, the present case has been lodged after lodging of the Sherghati P.S. Case No. 766 of 2022 by the petitioner no. 1, there is a delay of about nine days in lodging of the FIR without any plausible reason and further that the specific allegation of assault is against co-accused Kamalkant Singh who is not before this Court, the injury inflicted by the petitioner no. 1 is said to be simple in nature and against the other petitioners, there are ornamental allegations, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners shall be released on bail in connection with Sherghati P.S. Case No. 773 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- 1st, Sherghati, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. 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.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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