

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53012 of 2023

Arising Out of PS. Case No.-233 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

1. Pradip Kumar, S/O Late Ambika Singh, R/O Village- Tehta Bazar, P.S..
Makhdumpur (Tehta O.P.), Dist. Jehanabad
2. Suraj Kumar S/O Pradip Kumar R/O Village- Tehta Bazar, P.S.
Makhdumpur (Tehta O.P.), Dist. Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Birendra Kumar, learned counsel appearing
on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Makhdumpur P.S. Case No. 233 of 2022 registered for the offences punishable under Sections 341, 323, 307, 354, 379, 504, 506/34 of the Indian Penal Code.

3. Allegedly the petitioners along with other co-accused persons variously armed with deadly weapons assaulted the informant's son, due to which he sustained injuries on the head. It is further alleged that the petitioners also assaulted and outrage the modesty of the wife of the informant.

4. Learned counsel appearing on behalf of the



petitioners submits that the present case is nothing, but the same has been instituted in retaliation to the earlier case lodged by petitioner no.1, being Makhdumpur P.S. Case No. 228 of 2022, against the informant and others. He next submits that petitioner no.1 and the informant are the full brother and on account of a dispute with regard to the partition of the ancestral land, the present case has been instituted by making baseless allegation against the petitioners. He has further drawn the attention of this Court to the injury reports of the informant's son and his wife; and with reference thereto he submits that the injury sustained over the persons of the informant and his wife are simple in nature. He lastly submits that both the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation/trial.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the relationship of petitioner no.1 with the informant, as also the genesis of the occurrence, coupled with the fair antecedent and the injury, which is simple in nature, let the petitioners, named above, in the event of their arrest or surrender before the court below



within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Jehanabad in connection with Makhdumpur P.S. Case No. 233 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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