

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55144 of 2023**

Arising Out of PS. Case No.-30 Year-2023 Thana- KAKO District- Jehanabad

1. Gauri Shankar Yadav Son Of Sri Raghu Raj Singh Resident Of Villeg-Nisarpura, Ps- Kako (BHELAWAR), Dist- Jehanabad
2. Gullu Yadav @ Bullu Yadav @ Gullu Kumar Son Of Farani Yadav Resident Of Villeg-Tekari, Ps- Tekari, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      08-11-2023                      Heard Mr. Bijay Kumar, learned counsel for the petitioners as well as Mr. Jagdhar Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kako (Bhelawar) P.S. Case No. 30 of 2023, F.I.R. dated 02.01.2023 for the offences punishable under Sections 341, 323, 504, 506, 307, 447, 448 and 379/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioners have assaulted the family members of the informant due to which they sustained injuries and they have also damaged the roof of the house of the



informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the present case is the counter blast of Kako (Bhelawar) P.S. Case No. 29 of 2023 filed by the family member of the petitioners against the informant and her family members. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that there is no specific allegation against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that the injury report of the injured persons, namely, Kausalaya Devi, Gulsan Devi, Rahul Kumar Mandal and Rajiv Kumar Mandal suggests that the injuries are simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against the petitioners that they have assaulted the family members of the informant but fairly submits that the injury report of the injured persons suggests that the injuries are simple in nature caused by hard



and blunt substance.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Sub Divisional Judicial Magistrate, Jehanabad in connection with Kako (Bhelawar) P.S. Case No. 30 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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.

**(Rajesh Kumar Verma, J)**

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