

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55278 of 2023

Arising Out of PS. Case No.-263 Year-2023 Thana- BARAUNI District- Begusarai

1. Gautam Kumar S/O Late Dinesh Yadav R/O Village- Chanan Bind Toli, PS. Barauni (Chakiya O.P.), Dist. Begusarai
2. Gaurav Kumar S/O Late Dinesh Yadav R/O Village- Chanan Bind Toli, PS. Barauni (Chakiya O.P.), Dist. Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Mr. Vinod Kumar, learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Barauni (Chakiya O.P.) P.S. Case No. 263 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 354, 504 and 506 of the Indian Penal Code.

3. Allegedly, while the informant and his family members were in the house, in the meantime, the petitioners along with other accused persons variously armed came there and petitioner no.2, Gaurav Kumar assaulted the informant and her husband by means of iron rod due to which they sustained serious injuries. It is further alleged that petitioner no.1, Gautam



Kumar and others also assaulted them with fists and slaps.

4. Learned counsel for the petitioners submits that from the FIR, it is evident that the occurrence took place over the dispute of a pathway and, in fact, on the said reason, a free fight broke out between persons of both sides resulting into injuries to them. However, the injuries sustained by the informant and her husband are simple in nature. He further submits that prior to the institution of the present FIR, the mother of the petitioners had lodged a complaint case bearing Complaint Case No. 483C of 2023 and also given an application to the Superintendent of Police, Begusarai and the present case has been instituted in the retaliation of aforementioned complaint case. He lastly submits that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or proceedings of the Court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that a specific allegation has been levelled against both petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the genesis of the occurrence and the nature of injury, coupled with the fair antecedent of the petitioners, let the above named petitioners, be



released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Barauni (Chakiya O.P.) P.S. Case No. 263 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with a further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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