

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56281 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- BUNIYAD GANJ District- Gaya

1. Bagad Yadav @ Vikram Yadav S/O Ramswaroop Yadav Resident Of Village- Kukiyaasin, P.S- Buniyadganj, Distt.- Gaya
2. Pankaj Yadav @ Pradum Kumar S/O Raju Yadav Resident Of Village- Kukiyaasin, P.S- Buniyadganj, Distt.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Buniyadganj P.S. Case No. 60 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 385, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, all the FIR named accused persons including the petitioners assaulted the brother of the informant and his associate by means of lathi, danda and rod, apart from demand of extortion money.

4. Learned counsel for the petitioners submits that



there is omnibus nature of allegation against all the six FIR named accused persons, including the petitioners and, moreover, specific allegation of demand of ransom on the point of pistol is attributed to co-accused Munna Kumar. He further submits that so far the injuries sustained to one Devendra Kumar is concerned, his injuries are found to be simple in nature. Though two of the injuries sustained to the brother of the informant are found to be grievous in nature, but those do not specifically attributed to anyone. He further drew the attention of this Court to the FIR and with reference thereto, submits that admittedly the FIR was instituted on 10.03.2022 but the same has been received in the Court of learned A.C.J.M. on 15.03.2022 and, as such, the interpolation and afterthought cannot be ruled out. He next submits that the petitioners have been made accused only on account of their past criminal antecedent, however, they are on bail in the said cases.

5. On the other hand, learned counsel for the State submits that the brother of the informant has sustained grievous injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the delay in sending of the FIR to the learned



Court, apart from the fact that the impugned order does not disclose as to on which part of the body, the brother of the informant sustained injuries, 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 Additional Chief Judicial Magistrate-VIII, Gaya in connection with Buniyadganj P.S. Case No. 60 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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