

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58011 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- BHADHWAR District- Gaya

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GUDDU KUMAR S/O UPENDRA PRASAD R/O CHEIN, P.S.- GURUA,
DIST.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh,Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 03.05.2023 in connection with Bhadwar P.S. Case No. 23 of 2023, F.I.R. dated 10.04.2023 registered for the offence punishable under Sections 323, 341, 325, 307, 448, 506/34 of IPC and added Section 302 of IPC.

3. As per the prosecution case, allegation against the petitioner is that he alongwith co-accused persons armed with Lathi-Danda entered informant's house and assaulted informant alongwith his wife due to which they sustained leg, hand and head injury. It is further alleged that all accused persons threatened to kill informant if he tortured her daughter.

4. Learned counsel appearing for the petitioner



submits that the petitioner has falsely been implicated in the present case. It appears from the FIR that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner that they have all assaulted with Lathi and Danda and the date of occurrence as alleged in the FIR is 07.04.2023 but the present FIR has been instituted on 10.04.2023 and injured Indu Devi died in ANMMCH on 11.04.2023 after four days of the date of occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 03.05.2023.

5. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

6. Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sherghati, Gaya in connection with Bhadwar P.S. Case No. 23 of 2023, with the following conditions:-

(I) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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