

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63061 of 2023

Arising Out of PS. Case No.-1039 Year-2022 Thana- GAYA MUFASIL District- Gaya

1. Amarkant Singh, aged about 31 years, Male,
 2. Samarkant Singh @ Samarkant Kumar @ Guddu Singh, aged about 29 yers (Male),
Both S/O Indradev Singh, resident of Village- Abhaypur, P.S- Atri, Distt.- Gaya, presently residing at Gandhi Nagar More Abhaypur Niwas, P.S- Muffasil, Distt.- Gaya.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Muffasil PS Case No.1039 of 2022 dated 13.12.2022, instituted
under Sections 341, 323, 379, 504, 506/34 of the Indian Penal
Code.

3. The allegation against the petitioners is that while
the informant along with one Vidyanand Singh was going to
Gaya by motorcycle for treatment and reached near Manpur
Block, the accused persons intercepted the bike on the point of
firearms and took them by the side where three persons were
present armed with firearms. All the five miscreants brutally



assaulted the informant and his companion and caused multiple injuries on various parts of the body. It is further alleged that the accused persons snatched Rs.17,000/- cash, two golden chain, four gold rings from them. Reason for the alleged occurrence is that the informant and his mother were earlier assaulted for which a case was lodged and the accused persons were pressurizing to withdraw that case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is case and counter case between the parties. It is submitted that Muffasil PS Case No.1038 of 2022 dated 13.12.2022 was lodged by the petitioner no. 2. The said case has been instituted much prior to filing of the present case. It is further submitted that on perusal of the injury report it appears that the nature of the injury is simple. It is also submitted that in the year 2018, during the local bodies election, both sides have lodged the case against each other bearing Atri PS Case No.260 of 2018 lodged by the informant's side; Atri PS Case No.261 of 2018 lodged by the petitioners' side and Atri PS Case No.263 of 2018 lodged by a stranger, who had suffered injury in the occurrence. Learned counsel further submits that petitioners' side were not made accused in Atri PS Case No.263 of 2018,



rather, allegation was against the informant's side. It is also submitted that petitioner no.1 had suffered serious injuries which was treated by the Orthopedic Surgeon. Lastly, is submitted that two criminal cases are pending against the petitioner no.1, whereas, petitioner no. 2 has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st, Gaya, in Muffasil PS Case No.1039 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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