

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.69200 of 2023

Arising Out of PS. Case No.-54 Year-2022 Thana- TANKUPPA District- Gaya

GUDDU KUMAR Son of Mukesh Yadav Resident of Village-Bhagatchak,
P.S.-Tankupa, District-Gaya.... .. Petitioner/s

Versus

THE STATE OF BIHAR... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-10-2023 Heard the parties.

The petitioner is in custody in connection with Tankuppa P.S. Case No. 54 of 2022 for the offence under sections 147, 149, 341, 342, 323, 324, 325, 307, 354, 379, 504, 506 of the Indian Penal Code lodged on 22.05.2022 by the informant, Parmatma Yadav.

As per the prosecution story, the accused persons attacked the informant side with wooden rod and sticks which resulted into fracture in the left thumb of the informant. Further, allegation against accused, Mukesh Yadav is of using '*iron-rod*' on his head causing injury. When the wife came to his rescue, both Mukesh Yadav and Guddu Yadav attacked her as also tried to outrage her modesty and snatched golden chain. Accordingly, the FIR.

Learned counsel for the petitioner submits that omnibus allegation has been made against him that he along with Mukesh Yadav assaulted by '*lathi*' to the informant's wife and also tried to outraged her modesty. It is his further



submission that the said Mukesh Yadav has since been granted bail by a co-ordinate Bench of this Court vide order dated 13.07.2023 passed in Cr. Misc. No. 32232 of 2023 which has been annexed as Annexure-2 to the petition. He has already suffered by being in custody since 04.07.2023 (as stated in paragraph-18 of the petition).

Learned APP opposes the prayer for bail stating that the allegation against him is of attacking the informant's wife.

Taking into account the aforesaid facts as also that similarly placed co-accused Mukesh Yadav has since been granted bail, as stated above, and he has remained in custody since 04.07.2023, this Court is inclined to grant him privilege of bail, subject to certain conditions :-

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Gaya in connection with Tankuppa P.S. Case No. 54 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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