

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63838 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- DELHA District- Gaya

-
1. DEEPAK KUMAR SON OF SRI UPENDRA KUMAR R/O VILL-BHALUAHI, P.S.- DELHA, DISTT.- GAYA
 2. PRABHAT KUMAR @ ROCKY KUMAR SON OF SRI UPENDRA KUMAR R/O VILL.- BHALUAHI, P.S.- DELHA, DISTT.- GAYA
 3. UPENDRA KUMAR SON OF LTE KAILASH PRASAD R/O VILL.- BHALUAHI, P.S.- DELHA, DISTT.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s	:	Mr. Dr.Mrityunjaya Kr.Gautam, Advocate
For the Informant	:	Mr. Anil Kumar Saxena, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 15-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 341, 323, 308, 504 and 506 read with section 34 of the Indian Penal Code.

As per the prosecution case, the petitioners and three unknown persons are alleged to have assaulted the informant



and his father with *lathi* and iron rod with intent to kill, causing injuries. In the right margin of the FIR, it is alleged that the petitioner Parbhat Kumar assaulted with iron rod with intent to kill.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The informant sustained injury measuring 1x0.25 inch on the right upper forehead which is simple in nature. The informant's father has also sustained injury which is simple in nature caused by hard and blunt substance. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

Learned counsel for the informant and learned APP for the State have vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Gaya in connection with Delha P.S. Case No. 244 of 2022, subject to conditions as laid down under Section 438(2) of



the Code of Criminal Procedure with a condition:-

1. The court below shall verify the criminal antecedent of the petitioners and at any stage, if it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

This application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

