

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67023 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- ATRI District- Gaya

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1. Santan Yadav @ Santan Kumar, Son of Sukhdev Yadav @ Sukhdev Prasad, Resident of Village- Imaliyachak, P.S.- Atri, District- Gaya.
 2. Shatrudhan Yadav @ Shatrudhan Kumar, Son of Sukhdev Yadav @ Sukhdev Prasad, Resident of Village- Imaliyachak, P.S.- Atri, District- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sanjay Kr. Sinha, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Atri P.S. Case No. 124 of 2023 registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code. The petitioners have no criminal antecedent.

3. As per the prosecution story, on 07.03.2023 some altercation took place between the informant and the petitioner no. 1. When the informant reached at his house, the petitioners along with other co-accused named in the FIR armed with various weapons came there and started assaulting him in drunken state. One Santosh Yadav assaulted the informant by

iron rod on his head. When the son of the informant came to rescue him, one Shatrughan Yadav (petitioner no. 2) assaulted his son by iron *khanti* and one Daroga Rai Yadav assaulted him by *lathi* due to which he sustained head injury and also injury on his nose, eyes and ears. One Ram Pravesh Yadav also assaulted the wife of the informant and snatched her golden chain of 10 gram.

4. Learned counsel for the petitioners submits that the injury reports of Dharmaveer Yadav (informant) and Saurabh Kumar (son of the informant) show simple injuries caused by hard and blunt substance. It is further submitted that the wife of petitioner no. 1 had submitted a complaint with the S.S.P., Gaya regarding her molestation which had taken place earlier.

5. Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioners.

6. Having regard to the facts and circumstances of the case, the kind of dispute and that the injury reports of Dharmaveer Yadav and Saurabh Kumar are showing that they have suffered simple injuries caused by hard and blunt substance, the case of the petitioners being that the wife of petitioner no. 1 had submitted a complaint with the S.S.P., Gaya regarding her molestation which had taken place earlier, in the

circumstances, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Atri P.S. Case No. 124 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned I/C Chief Judicial Magistrate, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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