

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70263 of 2022

Arising Out of PS. Case No.-438 Year-2021 Thana- ATRI District- Gaya

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1. VINAY SINGH Son of Krishna Chandra Singh Resident of Village- Bhatu Bigha, P.S.- Atri, District- Gaya
 2. UDAY KUMAR @ UDAY SINGH Son of Shiv Kumar Singh Resident of Village- Bhatu Bigha, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj
For the Opposite Party/s : Mr.Tarun Prasad Mandal
Mr. Gajendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 18-01-2023 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State and also heard Mr. Gajendra Kumar, the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Atri P.S. Case No. 438 of 2021 registered for offence punishable under sections 147, 149, 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

Office has noted the fact that paragraph 3 of the bail



petition differs from the impugned order. The impugned order shows that the petitioners have criminal antecedents, whereas their criminal antecedents has not been mentioned in paragraph 3 of the bail petition, to which the learned counsel for the petitioners has submitted that anticipatory bail petition of petitioners was rejected by a common order with one Nitish Kumar, who has criminal antecedent. So far as petitioners are concerned, they are the persons of clean antecedents.

The specific allegation against the petitioners is that they along with other accused persons assaulted Indu Devi.

The learned counsel for the petitioners has submitted that the petitioners are innocent and persons of clean antecedents. There is case and counter case. Co-accused Nitish Kumar has lodged case against the prosecution side and the members of defense side have also sustained injuries. He has submitted further that the injuries suffered by Indu Devi are simple in nature.

On the other hand, the learned counsel for the informant has opposed the prayer for bail and has submitted that the informant has sustained grievous injuries.

There is case and counter case and the petitioners are the persons of clean antecedents and Indu Devi to whom the



petitioners are said to have assaulted, has sustained simple injuries.

Considering the above-mentioned facts and circumstances, the petitioners above-named, in the event of their arrest or surrender, within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Gaya in connection with Atri P.S. Case No. 438 of 2021, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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