

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68600 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- MEHANDIGANJ District- Patna

1. Brij Kumar Yadav @ Brij Gope Son Of Chanarik Gope Resident Of Village- Ranipur Rasulpur, P.S.- Mehandiganj, District- Patna.
2. Kashi Kumar Son Of Brij Gope Resident Of Village- Ranipur Rasulpur, P.S.- Mehandiganj, District- Patna.
3. Nilam Kumari @ Nilam Devi Wife Of Brij Gope Resident Of Village- Ranipur Rasulpur, P.S.- Mehandiganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S.K. Lal, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2023 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 Mehandiganj P.S. Case No.117 of 2023 registered for the offences punishable under Sections 323, 341, 354, 379, 307, 504 and 506/34 of the Indian Penal Code. The petitioner no.1 has got one criminal antecedent in which he is said to be on bail whereas petitioner nos. 2 and 3 have no criminal antecedent.

3. As per the prosecution story, on 17.06.2023 at about 7.00 AM when the mother of the informant was going to shop for bringing tea, in the meantime, one Brij Gope (petitioner



no.1) came there and started abusing his mother and pushed her as a result of which she became necked. It is alleged that on seeing the same the petitioner rushed to save his mother upon which Kashi Kumar (petitioner no.2) assaulted him by brick due to which he received head injury. It is further alleged that, in the meantime, the wife of petitioner no.1 came there and started assaulting his mother and also snatched golden chain from her neck.

4. Learned counsel for the petitioners submits that petitioners and the informant are close neighbours and they entered into a scuffle on some petty issues over throwing of garbage. Learned counsel submits that the FIR has been registered on 25.06.2023 with respect to the alleged occurrence which took place on 16.06.2023.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it is submitted by learned counsel for the petitioners that the petitioners and the informant are close neighbours and they entered into a scuffle on some petty issues over throwing of garbage, further submission that the FIR has been registered on 25.06.2023 with respect to the alleged



occurrence which took place on 16.06.2023, the impugned order does not show any serious kind of injury to the informant's side, this Court directs that in case of their arrest/surrender within a period of six weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of Ms. Nidhi Jaiswal, learned Judicial Magistrate- 1st Class, Patna City in connection with Mehandiganj P.S. Case No. 117 of 2023, 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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