

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69593 of 2022

Arising Out of PS. Case No.-426 Year-2022 Thana- GAYA KOTWALI District- Gaya

1. PANKAJ YADAV @ PANKAJ KUMAR S/o Sri Arun Kumar R/o Mohalla-
Mirchaya Gali, Rajendra Path, P.S.- Kotwali, District- Gaya
2. SHYAM KUMAR @ SHYAM SINGH S/o Bacchan Singh R/o house no. -
16, Mani Road Murarpur, Taquir Ahmad Lane, P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-04-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and apprehend their arrest in connection with Kotwali P.S. Case No. 426 of 2022 registered for the offences punishable under Sections 341, 323, 387 and 34 of the Indian Penal Code.

As per FIR, the allegation against both petitioners is to assault informant at least 100 times by means of *lathi* and also to raise demand of Rs. 5,00,000/-, as extortion money.

Learned counsel appearing on behalf of the petitioners



submitted that both petitioners have falsely implicated in this case and allegation of assault by means of *lathi* is appearing omnibus and same is also against co-accused, Niraj Singh @ Niraj Kumar, who has already granted anticipatory bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No. 64278 of 2022 dated 17.03.2023. It is submitted that no amount as alleged appears to be paid, as per narration of FIR. While concluding the argument, it is submitted that petitioner No.1 found involved in 01 more criminal case, where, he is on bail and petitioner No.2 is a man of clean antecedent.

Learned APP duly assisted by learned counsel Sri Ravindra Priyadarshni, appearing on behalf of the informant, while opposing the prayer of bail submitted that petitioners are man of criminal antecedent.

Considering the aforesaid facts and circumstances of the case, as allegation raised through FIR is not specific against these petitioners, let both above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya /concerned Court,



where the case is pending in connection with Kotwali P.S. Case No. 426 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C with following conditions:

“(i) That petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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