

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6456 of 2024

Arising Out of PS. Case No.-655 Year-2023 Thana- GOPALPUR District- Patna

1. Uday Kumar @ Doman Son Of Gorakh Ray R/O-Ilahibagh, Akal Tola, P.S.-GOPALPUR, Distt.-PATNA, State.-BIHAR
2. Gorakh Ray Son Of Banke Ray R/O-Ilahibagh, Akal Tola, P.S.-GOPALPUR, Distt.-PATNA, State.-BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nageshwar Singh, Advocate

Mr. Rajkumar Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2024 Heard Ld. counsel for the Petitioners and Ld. APP
for the State.

2. The Petitioners apprehend their arrest, in connection with Gopalpur P.S. Case No. 655 of 2023, dated 06.12.2023, registered for the offences punishable under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code.

3. The prosecution case in brief is that on 13.10.2023, petitioners abused and assaulted one Sonu Kumar, who is helper of the Informant. Moreover, when the Informant went to the Petitioners to know about the incidence, they abused and assaulted him too. It is also alleged that they snatched a gold chain from the Informant.



4. Ld. counsel for the Petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the alleged offence is petty in nature and the allegation of theft is superficial and has been made with an intent to make the case serious.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It is also stated in paragraph no. 3 of the bail petition that both the petitioners have earlier been made accused in one case each.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, this application is allowed, directing the Petitioners, above-named, to be enlarged on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate Ist Class, Patna, in connection Gopalpur P.S. Case No. 655 of 2023, subject to the



conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the Petitioners have given wrong statement regarding his criminal antecedents, Ld. court below shall cancel the bail bond of the Petitioners after hearing them and getting satisfied that the Petitioners have concealed their criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the Petitioners.

9. Ld. counsel for the Petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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