

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6547 of 2024

Arising Out of PS. Case No.-147 Year-2023 Thana- GOPALPUR District- Gopalganj

1. USHA DEVI W/o Dudh Nath Yadav R/o Vill.-Sujanpur, P.S.-Gopalpur, Dist.-Gopalganj.
2. MEERA DEVI W/o Uchhayi Yadav R/o Vill.-Sujanpur, P.S.-Gopalpur, Dist.-Gopalganj.
3. AARTI KUMARI D/o Laxmi Yadav R/o Vill.-Sujanpur, P.S.-Gopalpur, Dist.-Gopalganj.
4. SUNIL YADAV S/o Feku Yadav R/o Vill.-Sujanpur, P.S.-Gopalpur, Dist.-Gopalganj.
5. LAXMI YADAV S/o Pujan Yadav R/o Vill.-Sujanpur, P.S.-Gopalpur, Dist.-Gopalganj.
6. UCHHAI YADAV @ UCHAI YADAV S/o Pujan Yadav R/o Vill.-Sujanpur, P.S.-Gopalpur, Dist.-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, 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. 147 of 2023, dated 29.06.2023, registered for the offences punishable under Sections 341, 323, 324, 325, 307, 354, 379, 504, 506 read with section 34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that on 28.06.2023 at about 8:00 am, the accused persons



assaulted the Informant and his family members with lathi and danda. It is also alleged that they snatched a sum of ten thousand rupees from the pocket of 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 there is case and counter case. There was free fight between both the sides and both the sides have lodged criminal case, punishable under same sections against each other and both the sides suffered simple as well as grievous injury.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have 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 the petitioners have no criminal antecedents.

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

8. In view of the fact that there is free fight and injury on both the sides, 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. A.C.J.M.-V, Gopalganj, in connection Gopalpur P.S. Case No. 147 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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