

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24618 of 2024

Arising Out of PS. Case No.-122 Year-2023 Thana- IMADPUR District- Bhojpur

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1. Dilip Singh Son of Guput Singh Resident of Village - Dhokhraha, Police Station - Imadpur, District - Bhojpur
 2. Golu Kumar Son of Dilip Singh Resident of Village - Dhokhraha, Police Station - Imadpur, District - Bhojpur
 3. Uma Shankar Singh Son of Daroga Singh Resident of Village - Dhokhraha, Police Station - Imadpur, District - Bhojpur
 4. Babloo Kumar Son of Uma Shankar Singh Resident of Village - Dhokhraha, Police Station - Imadpur, District - Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-06-2024 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 Imadpur P.S. Case No. 122 of 2023 registered for the offences punishable under Sections 447, 341, 323, 504, 506, 307, 379, 427 and 34 of the Indian Penal Code. The petitioner nos. 1, 2 and 4 have no criminal antecedent and petitioner no. 3 has one criminal antecedent in which he is on bail.

3. As per the prosecution story, the informant owns a *dhaba* on the State Highway near village Dhokraha and at



present his *dhaba* is closed and he has kept one helper namely, Avinash Kumar to look after his *dhaba*. It is alleged that on 10.11.2023 at 09:00 pm, five miscreants namely, Guput Singh, Dilip Singh, Golu Kumar, Uma Shankar and Babloo Kumar came at his *dhaba* and started abusing the helper and asked him about his owner, thereafter all of them assaulted him due to which he became unconscious and thereafter all of them entered in his hotel, damaged the articles and took away the articles of the hotel worth Rs. 2,00,000/- and also stole Rs. 2,000/- in cash. Avinash Kumar was taken to Tarari Hospital for treatment.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that altogether five persons, including these petitioners, are said to have assaulted the guard of the hotel but it appears from the injury report (Annexure-2) that only one injury has been caused to the said guard which is found to be simple in nature.

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

6. Having regard to the submissions that as per the FIR, altogether five persons including these petitioners are said to have assaulted the guard of the hotel but from the injury report (Annexure-2) it appears that only one injury has been caused to



the said guard which is simple in nature, the petitioner nos. 1, 2 and 4 have no criminal antecedent and petitioner no. 3 has one criminal antecedent in which he is on bail, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Imadpur P.S. Case No. 122 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Sessions Judge, Bhopur Ara 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 his 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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