

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27705 of 2024

Arising Out of PS. Case No.-192 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

1. Om Prakash Yadav @ Molvi Yadav S/o Shivrath Yadav Resident of village Chhotki Kulhariya PS Buxar Muffasil District Buxar
2. Manju Devi W/o Om Prakash Yadav @ Molvi Yadav Resident of village Chhotki Kulhariya PS Buxar Muffasil District Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State as well as learned counsel for the informant who has appeared *suo motu*.

2. The petitioners apprehend arrest in connection with Buxar Mufassil P.S. Case No. 192 of 2019 dated 06.07.2019, instituted under Sections 307, 341, 323, 379, 504 and 34 of the Indian Penal Code.

3. The prosecution case in short is that when the informant started demanding Rs. 1,30,000/- which was given to his elder brother, all the FIR named accused persons started abusing and assaulting the informant by fists and kicks. Accused Guddu Yadav assaulted by means of iron rod on the head of the



informant due to which he sustained bleeding injury and fell down.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and have been falsely implicated in this case. There is no specific allegation against the petitioners. The allegation against the petitioners is general and omnibus. It is submitted that petitioner Nos. 1 and 2 are the husband and wife. Petitioner no. 1 is the elder brother of the informant. Due to civil dispute the case has been lodged. It is submitted that the doctor has opined the injury as simple in nature caused by hard and blunt substance. Learned counsel submitted that petitioner no. 1 has antecedent of three cases and petitioner no. 2 has one case.

5. Learned APP as well as learned counsel for the informant have opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Buxar Mufassil P.S. Case No. 192 of 2019, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, Buxar subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

(i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or husband, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

Prakash/-

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