

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29460 of 2024

Arising Out of PS. Case No.-313 Year-2023 Thana- KONCH District- Gaya

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1. Brajesh Prajapat Son of Triloki Prajapat R/o Village- Dharhara, P.S.- Konch, District- Gaya
 2. Surendra Prajapat Son of Shekhan Prajapat R/o Village- Dharhara, P.S.- Konch, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2024 Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. appearing for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Konch P.S. Case No. 313 of 2023, registered on 07.07.2023 for the offences under Sections 341, 323, 325, 307, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons came to the door of the informant and started hurling abuses. They were forbidden from doing so and co-accused Rakesh Prajapat struck informant on his head with an iron rod causing fracture. Other co-accused persons, namely,

Rohit Kumar and Gautam Kumar assaulted the other family members of the informant with *lathi* causing fracture in their leg and hand.

4. Learned counsel for the petitioner submits that the petitioners are quite innocent and have falsely been implicated in this case, there is no specific allegation against the petitioners for causing any injury. The present case is counter blast of Konch P.S. Case No. 312 of 2023 registered for the offences under Section 307 and other allied Sections of the I.P.C. against the informant and his family members. The present case has been lodged by the informant only to save the skin from Konch P.S. Case No. 312 of 2023. The petitioners' and informant's side are agnates and over a petty quarrel, the occurrence took place. From the F.I.R. itself, it is apparent that there is no allegation of Section 307 of the I.P.C. in the present case and other offences areailable. The petitioners are having clean antecedents.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering general and vague allegation against the petitioners in the background of earlier counter version of the petitioners' side and

also considering the clean antecedents of the petitioners, let the petitioners, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- VIIIth, Gaya/concerned court in connection with Konch P.S. Case No. 313 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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