

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31690 of 2024

Arising Out of PS. Case No.-661 Year-2023 Thana- SULTANGANJ District- Bhagalpur

1. Rohit Kumar @ Rohit Yadav Son of Tutul Yadav @ Ghanshyam Yadav
Resident of Village- Shivnandanpur, P.S- Sultanganj, District- Bhagalpur
2. Gulshan Yadav @ Gulshan kumar SON OF PAPPU YADAV Resident of
Village- Shivnandanpur, P.S- Sultanganj, District- Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Suraj Kumar, learned counsel appearing on
behalf of the petitioners and Mr. Bhanu Pratap Singh, learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection
with Sultanganj P.S. Case No. 661/2023, registered for the
offences punishable under Sections 323, 341, 325, 307, 379 and
34 of the Indian Penal Code.

3. It is alleged that on a telephonic call, the informant
along with a mechanic reached at the place of occurrence with
the paddy cutting machine. After sometime, the petitioners came
there and when the informant demanded his wages some
altercation took place. Further allegation has been levelled that
all the accused persons including petitioners brutally assaulted



the informant and the mechanic by means of iron rod due to which they sustained several injuries. Further allegation of snatching Rs. 30,000/- and other valuables has also been levelled.

4. Learned counsel appearing on behalf of the petitioners submits that from perusal of the FIR it is evident that general and omnibus allegation has been levelled against the FIR named accused persons. Moreover, the prosecution clearly suggest that the occurrence took place on account of some dispute with respect to wages. Referring to the impugned order, he further submits that though there is discussion of injury but the nature of injury has not been disclosed. It is further contended that the occurrence took place on 23.11.2023 but the FIR has been instituted on 26.11.2023 and the cause of delay has not be explained. He further submits that the petitioners have clean antecedent.

5. On the other hand, learned counsel for the State vehemently opposed the pre-arrest bail application and submits that there is specific allegation against the petitioners that they brutally assaulted the informant and mechanic of the paddy cutting machine.

6. Regard being had to the submissions made on



behalf of the parties and considering the omnibus nature of allegation and delay in the lodging of the FIR, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Bhagalpur in connection with Sultanganj P.S. Case No. 661 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

tusharika/-

U		T	
---	--	---	--

