

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33193 of 2024**

Arising Out of PS. Case No.-397 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. Vivek Singh @ Vivek Kumar Singh @ Vivek Kumar S/O Aas Narayan Singh R/O- Belwa Mathiya, P.S- Kuchaikote, Distt.- Gopalganj.
2. Abhishek Singh @ Abhishek Kumar @ Abhishek @ Abhishek Kumar Singh S/O Aas Narayan Singh R/O- Belwa Mathiya, P.S- Kuchaikote, Distt.- Gopalganj.
3. Ankit Singh @ Ankit Kumar Singh S/O Sanjay Singh R/O- Village-Dumariya, P.S- Nagar, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      28-06-2024                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Kuchaikote P.S. Case No. 397 of 2023, registered on 31.07.2023 for the offences under Sections 341, 323, 324, 379, 307 and 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons assaulted the son of the informant with knife, *lathi*, *danda* and shock absorber of a vehicle causing injury to the son of the informant.

4. Learned counsel for the petitioners submits that the



petitioner are innocent and have falsely been implicated in this case. The allegation against the petitioners are of attacking their victim by means of different weapons, but the injury report of the son of the informant shows a simple injury caused by sharp cut object of size 1"x1/6"x1/4". However, injury report does not show any other abnormality. Learned counsel further submits that even the injury shown in the injury report may be fabricated as the same could be easily manufactured. No motive has been attributed and the allegations are general and omnibus without showing any intention to kill the son of the informant and hence, there is no application of Section 307 of the Indian Penal Code in this case. The allegation of theft is super addition. The petitioners have got no criminal antecedent.

5. Learned APP 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 the presence of simple injury for which allegation is against four persons and further considering the omnibus nature of allegation and also considering the clean antecedent of the petitioners, let the petitioners above named, in the event of their 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 A.C.J.M.-I, Gopalganj/concerned court in connection with Kuchaikote P.S. Case No. 397 of 2023, subject to the condition 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)

Ashish/-  
Balmukund/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

