

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34551 of 2024

Arising Out of PS. Case No.-298 Year-2023 Thana- SIDHWALIYA District- Gopalganj

1. Chandradeo Prasad, Son of Late Jaipati Bhagat, Resident of Vill.- Sher, P.S.- Sidhwaliya Dist- Gopalganj.
2. Parshuram Prasad, Son of Late Jaipati Bhagat, Resident of Vill.- Sher, P.S.- Sidhwaliya Dist- Gopalganj.
3. Rajeshwar Prasad, Son of Mahavir Bhagat, Resident of Vill.- Sher, P.S.- Sidhwaliya Dist- Gopalganj.
4. Ramayodhya Prasad, Son of Mahavir Bhagat, Resident of Vill.- Sher, P.S.- Sidhwaliya Dist- Gopalganj.
5. Sanjay Prasad, Son of Mahavir Bhagat, Resident of Vill.- Sher, P.S.- Sidhwaliya Dist- Gopalganj.
6. Niraj Kumar @ Nitish Kumar, Son of Ramesh Prasad, Resident of Vill.- Sher, P.S.- Sidhwaliya Dist- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Umesh Kumar Singh, learned counsel

appearing on behalf of the petitioners and the learned APP for

the State.

2. The petitioners are apprehending their arrest in
connection with Sidhwaliya P.S. Case No. 298 of 2023
registered for the offences punishable under Sections 341, 342,
323, 325, 379, 307, 504, 506/34 of the Indian Penal Code.

3. Allegedly while the informant was cleaning the



road in front of his house, all the F.I.R. named accused persons, including the petitioners, armed with Lathi, Danda and spade came there and started assaulting him. When the father of the informant came to his rescue, co-accused Raja Babu assaulted him by means of iron rod, due to which he sustained serious injuries over his head and hand. Allegation of loot and snatching has also been made.

4. Learned counsel for the petitioners contended that in fact on account of a trifle, free fight took place between the persons of both the sides, due to which the persons of the petitioners' side also sustained injuries, however, the prosecution has failed to explain the injuries sustained to them. It is further contended that a counter case, bearing Sidhwaliya P.S. Case No. 297 of 2023, which is earlier on the point of time, was instituted against the informant and other persons. Learned counsel for the petitioners further drew the attention of this Court to the injury report and submitted that all the injuries have been found to be simple in nature, except two of the injuries sustained to Ramdeo Prasad, however, these injuries have been attributed to co-accused Raja Babu, who is not before this Court. The petitioners bear fair antecedent and they undertake that they will not indulge in such type of activity



in future.

5. On the other hand, learned APP for the State opposes the bail application and submits that all the petitioners have actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the factum of case and counter case, coupled with the fair antecedent of the petitioners, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Gopalganj in connection with Sidhwaliya P.S. Case No. 298 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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