

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35886 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- GAMAHARIYA District- Madhepura

1. Mukesh Kumar son of Ramchandra Yadav Village- Jivachhpur W.No-3, Ps- Gamharia Dist- Madhepura
2. Manish Kumar son of Ganesh Yadav Village- Jivachhpur W.No-3, Ps- Gamharia Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-07-2024 Heard Mr. Ranjay Kumar Singh, learned counsel
for the petitioners as well as Mr. Ram Bilash Roy Raman,
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gamharia P.S. Case No. 172 of 2023, F.I.R. dated 18.09.2023 for the offences punishable under Sections 341, 323, 324, 354(A), 379, 307, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners armed with lathi, danda, farsa, iron rod etc., forcefully started construction on the informant's land and when the informant raised objection then they brutally assaulted him and his family members.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that as per the allegation in the F.I.R, the petitioner no. 1 has assaulted the informant and petitioner no. 2 has assaulted Naresh Prasad Yadav, Sita Devi and Sanjay Kumar. Although they have received injury but the injury report of Jay Prakash Yadav suggest that the injury is simple in nature and as far as the injury report of Sanjay Kumar is concerned the same is grievous in nature but it is due to fracture in his hand and the same is not the vital part of the body.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and the injury report of the injured persons suggests that some injuries are simple in nature and some are grievous but the same is not on the vital part of the body, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Madhepura in



connection with Gamharia P.S. Case No. 172 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed 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. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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