

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38519 of 2024

Arising Out of PS. Case No.-479 Year-2022 Thana- GAYA MUFASIL District- Gaya

1. Tulsi Yadav S/o Teku Yadav R/o Mohalla- Murkatta Thana, P.S. - Muffasil, Dist Gaya
2. Bittu Kumar @ Dharmendra Kumar S/o Tulsi Yadav R/o Mohalla- Murkatta Thana, P.S.- Muffasil, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Priya Ranjan, Advocate Mr. Mukesh Kumar, Advocate Mr. Nitish Kumar, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 17-05-2024 Heard Ld. counsel for the petitioners and Ld. APP for
the State.

2. The petitioners apprehend their arrest, in connection with Gaya Muffasil P.S. Case No. 479 of 2022 dated 15.07.2022, registered for the offences punishable under Sections 341, 323, 224, 225, 353, 504 read with Section 34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that when the police personnel went to arrest the accused of Muffasil P.S. Case No. 625 of 2021, namely, Upendra Kumar to his house, the FIR named accused persons came together and started abusing and assaulting the police personnel, and as a result of which the Accused Upendra Kumar succeeded to flee away.



4. Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that at the time of visiting of the police personnel at the house of Upendra Kumar, accused persons had assembled to see what is going and they had no role in the alleged offence. He further submits that they are in no way connected with Upendra Kumar and his family members. He further submits that they are just co-villagers. He further submits that similarly situated co-accused persons, namely, Munsu Yadav, Shri Yadav and Shaurav Kumar have already been granted bail by this Court vide order dated 27.02.2024 passed in Cr. Misc. No. 68690 of 2023.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioners no.1 and petitioner no.2 have one and two criminal antecedents respectively in which they are on bail.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

8. Considering the aforesaid facts and circumstances,



this **application is allowed**, directing the petitioners, above named, to be enlarged on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Gaya, in connection with Gaya Muffasil P.S. Case No. 479 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have given wrong statement regarding their criminal antecedents, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

Chandan/
ravishankar-

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