

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46371 of 2024

Arising Out of PS. Case No.-599 Year-2022 Thana- BELAGANJ District- Gaya

1. Gulab Yadav @ Gulab Kumar, S/o Mithilesh Prasad, R/o vill - Bajitpur, P.S. - Belaganj, Distt. - Gaya
2. Raj Balabh Kumar @ Raj Ballabh Yadav, S/o Mithilesh Prasad, R/o vill - Bajitpur, P.S. - Belaganj, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-09-2024 Heard Mr. Sanjay Kumar Sinha, learned counsel appearing on behalf of the petitioners and Mr. Ram Bilash Roy Raman, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Belaganj P.S. Case No. 599 of 2022 registered under Sections 147, 148, 149, 341, 323, 354(a), 447, 307, 379, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the 11 accused persons named therein, including the petitioners, assaulted the informant on different parts of body, with an intention to kill and had also snatched gold chain of the informant.



4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have falsely been implicated in the present case. Learned counsel further submitted that the informant and the petitioners are agnates, who, in course of wrestling event indulged into fierce fight, in which, both the sides sustained injuries. So far as, the petitioners are concerned, no specific allegation has been alleged against them. On these grounds, the petitioners seek to be released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that there is no direct allegation against petitioner no.2, I am of the opinion that petitioner no.2 has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner no.2 on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Gaya in



connection with Belaganj P.S. Case No. 599 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. So far as petitioner no.1 is concerned, the learned District Court is directed to verify the injury report and the material, which has surfaced in course of investigation and if it is found that the injury sustained by the informant is not grievous, in that case, the petitioner no.1 is also directed to be released on pre-arrest bail, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The learned District Court is directed to verify the criminal antecedent of the petitioners, as stated in paragraph no. 3 of the bail application. If any other case is found pending against the petitioners, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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