

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45035 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- CHAKAND District- Gaya

1. Shivalak Yadav @ Shiv Balak Yadav S/o Mahavir Yadav R/o vill - Pachu Bigha, P.S. - Chakand, Distt.- Gaya
2. Bigan Yadav S/o Rajendra yadav R/o vill - Pachu Bigha, P.S. - Chakand, Distt.- Gaya
3. Chandradeo Yadav S/o Shivalak Yadav @ Shiv Balak Yadav R/o vill - Pachu Bigha, P.S. - Chakand, Distt.- Gaya
4. Ranjit Yadav S/o Rajendra Yadav R/o vill - Pachu Bigha, P.S. - Chakand, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijmohan Das, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Chakand P.S. Case No. 23 of 2024 dated 27-01-2024, instituted for the offence punishable under Section 341,323,307,504, 506 and 34 of the Indian Penal Code.

3. Prosecution case, in brief, is that on 26.01.2024 children were playing out of house and during playing, they quarreled among themselves. It is alleged that after some time all named accused persons came there armed with *lathi*, *danda*



and started to knock the informant's door using abusive language. On objection made by the informant, they assaulted him with, as a result of which, blood started to ooze from his head. On *hulla*, informant's brother Dipu Kumar came to save him then all the accused persons also assaulted him.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is no specific allegation of assault against the petitioners, rather there is general and omnibus allegation against all the accused persons of assaulting the informant and his brother. From perusal of the impugned order dated 04-05-2024 passed by the Additional Sessions Judge-V, Gaya in ABP No. 629 of 2024, it is evident that no injury report was available on the record. Learned lower court has recorded in its impugned order that the court has issued several directions to the concerned I.O. and APP to produce case diary and injury report, but the same not been produced till today. From perusal of the FIR, it transpires that two persons are injured and injury is upon head, but no such injury report is available on the record. Lastly, it has been submitted that petitioner Nos. 2 and 4 have no criminal antecedents whereas petitioner Nos. 1 and 3 have one criminal case against them.



5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender before the learned Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM- Xth,Gaya, in connection with Chakand P.S. Case No. 23 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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