

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56854 of 2024

Arising Out of PS. Case No.-299 Year-2023 Thana- MAGADH UNIVERSITY District- Gaya

1. Kamlesh Kumar @ Kamlesh Yadav son of Dhaneshwar Yadav @ Dhaneshar Yadav Dhanwan, Ps- Magadh University, Dist-Patna
2. Akhelesh Kumar @ Aklesh Kumar son of Dhaneshwar Yadav @ Dhaneshar Yadav Dhanwan, Ps- Magadh University, Dist-Patna
3. Teka Yadav son of Late Pun Yadav Dhanwan, Ps- Magadh University, Dist-Patna
4. Dhaneshwar Yadav @ Dhaneshar Yadav son of Late Pun Yadav Dhanwan, Ps- Magadh University, Dist-Patna
5. Dhaneshwari Devi @ Dhaneshari Devi wife of Dhaneshwar Yadav @ Dhaneshar Yadav Dhanwan, Ps- Magadh University, Dist-Patna
6. Malti Devi wife of Kamlesh Yadav @ Kamlesh Kumar Dhanwan, Ps- Magadh University, Dist-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Magadh University P.S. Case No. 299 of 2023 registered for the alleged offences under Sections 341, 323, 308, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners in inebriated conditions came to the house of the informant and assaulted her husband, brother-in-law and father-in-law causing injuries to them.



4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioners and the informant side are next door neighbours and the present case is the counter blast of Magadh University P.S. Case No. 300 of 2023 registered under Section 308 and other minor sections of IPC. There is general and omnibus allegation against all the accused persons including these petitioners. Learned counsel further submits that there was free fight between the parties and no offence under Section 308 is made out against the petitioners. All the injuries received by the victims are stated to be simple except the injury of Manoj Yadav which is stated to be grievous. The occurrence took place on 15.08.2023 and the FIR has been lodged on 01.09.2023 without any explanation. There is no allegation against petitioner no.2 whereas allegation against petitioner no.1 is of catching hold of the father of the informant and co-accused giving sword blows. But the allegations are completely false and petitioners have no concern with the alleged occurrence and they have been made accused with *malafide* intention. Allegation of assault on the father of the informant is not against any of the petitioners. Petitioners are having criminal antecedent of one case.

5. Learned APP opposes the submissions made on



behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the delay in lodging the F.I.R. coupled with possibility of false accusation, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, 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 learned District and Sessions Judge, Gaya/ court concerned in connection with Magadh University P.S. Case No. 299 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

