

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59911 of 2024

Arising Out of PS. Case No.-251 Year-2023 Thana- DELHA District- Gaya

1. Guddu Kumar Son Of Ram Pravesh Singh, R/o Village- Tarababu Lane, PS- Delha, Dist- Gaya.
2. Rahul Yadav @ Sunil Kumar Yadav @ Rahul Kumar Son Of Ramdeo Yadav, R/o Village- Tarababu Lane, PS- Delha, Dist- Gaya.
3. Chottu Kumar @ Thathera Son Of Suraj Prasad, R/o Village- Tarababu Lane, PS- Delha, Dist- Gaya.
4. Rohit Yadav @ Rohit Kumar Son Of Late Bhura Yadav @ Rajdeo Yadav, R/o Village- Tarababu Lane, PS- Delha, Dist- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Ms. Rabia Gulnaz, Advocate
For the Opposite Party : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Ms. Rabia Gulnaz, the learned counsel for the petitioners and Mr. Meena Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Delha PS Case No. 251 of 2023, FIR dated 09.10.2023, registered for the offences punishable under Sections 341, 323 and 308 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, all the FIR named accused persons along with some unknown persons came at the shop of informant and demanded Rs. 1,000/- (rupees one



thousand) as ransom and upon his refusal, all of them assaulted the informant, his brother Manish and one Raushan due to which they sustained injury.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. She further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioners, rather there is general and omnibus allegation against all the co-accused persons. She further submits that although the informant has received injury, but injury report (Annexure-2) of the informant suggests that injury is simple in nature.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioner nos. 1 to 3 have clean antecedent while petitioner no. 4 has one criminal antecedent other than the present one, however, he fairly admits that petitioner no. 4 is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner nos. 1, 2 and 3 have clean



antecedents, injury inflicted upon the person of informant is simple in nature and the allegation levelled against these petitioners are not specific, rather they are general and omnibus in nature, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Additional Chief Judicial Magistrate-IV, Gaya, where the case is pending in connection with **Delha PS Case No. 251 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper 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 learned trial Court 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 learned trial Court 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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