

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68690 of 2023

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

1. Munsu Yadav @ Munshi Yadav Son Of Late Teku Yadav Resident Of Village - Murkatta, Police Station - Muffasil, District - Gaya
2. Shri Yadav @ Sri Yadav Son Of Late Teku Yadav Resident Of Village - Murkatta, Police Station - Muffasil, District - Gaya
3. Shaurav Kumar @ Satendra Yadav @ Saurav Kumar @ Satendra Kumar Son Of Munsu Yadav @ Munshi Yadav Resident Of Village - Murkatta, Police Station - Muffasil, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 27-02-2024 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 warranty accused of Muffasil P.S. Case No. 625 of 2021, namely,



Upendra Kumar to his house, in the meantime, FIR named accused persons came together and started abusing and assaulting the police personnel, which resulted into 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 have 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.

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

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. Judicial Magistrate Ist Class-cum-A.M., 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.)

Ravishankar/
Shoaib

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