

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67164 of 2024

Arising Out of PS. Case No.-244 Year-2024 Thana- AMARPUR District- Banka

1. Nakul Yadav @ Nakul Kumar Son of Awad Kishor Yadav @ Awadh Kishor Pahiyar @ Abadh Prasad Yadav @ Avadh Kishore Yadav Resident of Village - Domodih, Kumarpur (Domuhan), P.S. - Fullidumar, District - Banka
2. Perlal Yadav @ Prahalad Yadav Son of Awad Kishor Yadav @ Awadh Kishor Pahiyar @ Abadh Prasad Yadav @ Avadh Kishore Yadav Resident of Village - Domodih, Kumarpur (Domuhan), P.S. - Fullidumar, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68004 of 2024

Arising Out of PS. Case No.-244 Year-2024 Thana- AMARPUR District- Banka

Maharaja Kumar @ Mahraj Kumar Son of Pappu Yadav @ Pappu Dalal Resident Of Village- Kumarpur, P.s.- Fullidumar, Dist.- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67164 of 2024)

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr.Rajendra Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 68004 of 2024)

For the Petitioner/s : Mr.Praveen Kumar, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in
connection with Amarpur(Fullidumar) P.S. Case No. 244 of



2024, registered for the offences under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners demanded e-rickshaw of the informant on hire and when the informant refused the petitioners assaulted the informant and his family members with iron rod and lathi causing injuries to them. They also snatched Rs.10,000/- and a gold ring from the informant.

4. It has been submitted on behalf of the petitioners that the petitioners are innocent and have been falsely implicated in this case. From the FIR it is evident that the occurrence took place on the petitioners asking for the e-rickshaw of the informant and it further appears that a free fight took place between two sides and both sides received injuries. Though the victims received injuries on their head as it appears from the rejection order of the bail petition of the petitioner, the injuries of informant and his brother are simple whereas injury of the uncle of the informant is stated to be grievous but there is no repetition of blow and for this reason no offence under Section 307 of the Indian Penal Code is made out against the petitioners and allegation of theft is super addition. The petitioners Nakul Yadav and Perlal Yadav have no criminal



antecedent whereas petitioner Maharaja Kumar @ Mahraj Kumar has antecedent of one case. Learned counsel submits that petitioners Nakul Yadav, Perlal Yadav and Maharaja Kumar @ Mahraj Kumar are in custody since 08.07.2024, 24.07.2024 and 14.07.2024, respectively and charge sheet has been submitted against these petitioners.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the non-serious nature of injuries of the victims and absence of material to show attempt on life of the victims and further considering period of custody and submission of charge sheet against the petitioners, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka/concerned court, in connection with Amarpur(Fullidumar) P.S. Case No. 244 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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