

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66718 of 2024

Arising Out of PS. Case No.-1055 Year-2022 Thana- BARACHATTI District- Gaya

1. Gautam Malakar @ Gautam Kumar, Son of Ashok Malakar @ Ashok Bhagat, R/O Vill.- Ladu, P.S.- Mohanpur, Dist.- Gaya.
2. Sourav Kumar, Son of Ashok Malakar @ Ashok Bhagat, R/O Vill.- Ladu, P.S.- Mohanpur, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-12-2024 Heard Mr. Arvind Kumar Singh, learned counsel
for the petitioners and Mr. Sanjay Kumar Tiwary, learned APP
for the State.

2. The petitioners apprehend their arrest in connection with Barachatti (Mohanpur) P.S. Case No. 1055/2022 dated 20.11.2022 registered for the offences punishable under sections 341, 323, 325, 324, 307 and 448 read with section 34 of the Indian Penal Code.

3. The main submissions advanced by learned counsel appearing for the petitioners are that the alleged occurrence is said to have taken place on 27.10.2022 and the FIR was lodged by filing a typed written application by the



informant and the same was filed on 02.11.2022 but the formal FIR was registered on 20.11.2022, regarding this inordinate delay in registering the FIR, there is no explanation on the part of the prosecution and both the parties are agnates and in between them there is land dispute and six persons are said to have sustained injuries and most of them sustained simple injuries and both the petitioners are of young age, having fair and clean antecedent and are also students. It is further submitted that the petitioner No. 2 is alleged to have assaulted at the head of the informant, though three injuries were found on the person of the informant, out of them, the injury found on his scalp which is specifically attributed to the petitioner No. 2 has been opined to be simple in nature. The petitioner No. 1 is alleged to have assaulted at the head of the informant's son by using a *lathi* and he sustained simple injury as per the report of Medical Board.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioners and submits that there is serious allegation against the petitioners and altogether six persons sustained injury in the alleged occurrence.

5. Considering the aforesaid submissions advanced by petitioners' counsel and mainly the young age of the



petitioners and their fair and clean antecedent and the nature of injuries on the body of the injured persons who are said to have been assaulted by both the petitioners, in my opinion, it is a fit case to grant the relief of anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Barachatti (Mohanpur) P.S. Case No. 1055/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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