

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78196 of 2023

Arising Out of PS. Case No.-182 Year-2023 Thana- BARHARA District- Bhojpur

1. SHYAM LAL GOR @ SHYAM LAL GOND SON OF LATE SHIVDAYAL GOR @ LATE SHIVDAYAL GOND R/O VILLAGE- GUNDI, P.S.- KRISHNAGARH, DISTRICT- BHOJPUR
2. RAJENDRA GOR @ RAJENDRA GOND SON OF DEVLAL GOR @ DEVLAL GOND R/O VILLAGE- GUNDI, P.S.- KRISHNAGARH, DISTRICT- BHOJPUR
3. RAJESH GOR @ RAJESH GOND SON OF HARENDRA GOR @ HARENDRA GOND R/O VILLAGE/MOHALLA- BIHIYAN, P.S.- BIHIYAN, DISTRICT-BHOJPUR
4. HARENDRA GOR @ HARENDRA GOND SON OF LATE SINGHASAN GOR @ LATE SINGHASAN GOND R/O VILLAGE/MOHALLA- BIHIYAN, P.S.- BIHIYAN, DISTRICT-BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Barahara (Krishnagarh O.P.) P.S. Case No. 182 of 2023 for the offence under Sections 341, 323, 307, 504, 506 and 34 of the I.P.C. lodged on 02.04.2023 by the informant, Mukesh Kumar.

3. As per the prosecution story, the allegation is that when the informant was sleeping, the accused persons



came and later, they assaulted the informant, in the process the petitioner No. 1 Shyam Lal Gor gave *lathi* blow while specific allegation is against petitioner No. 2, Rajendra Gor of giving iron daab blow on the head of the informant. The other accused persons also assaulted and again Rajendra Gor gave iron daab blow to Dhanji, upon alarm when the villagers came, they retreated, the injured were taken to Ara Sadar Hospital. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that this is an exaggerated FIR and further petitioner Nos. 3 and 4 do not belong to the said village but have been implicated, so far as the injury inflicted by Rajendra Gor is concerned, opinion was reserved regarding the injury suffered by him.

5. Learned APP on the other hand submits that the fact remains that the injury has not been found to be simple in nature, rather opinion has been reserved, the allegation is of using iron dab on the head. He further submits that against other accused persons is also of assaulting the informant's side.

6. Considering the specific allegation that has come against Rajendra Gor @ Rajendra Gond (petitioner



No. 2), this Court is not inclined to extend him privilege of anticipatory bail which is accordingly rejected.

7. So far as petitioner Nos. 1, 3 and 4 namely Shyam Lal Gor @ Shyam Lal Gond, Rajesh Gor @ Rajesh Gond and Harendra Gor @ Harendra Gond respectively are concerned, taking into account that omnibus allegation is/are against them, they do not have any criminal antecedent, FIR lodged, will be facing the trial, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioner Nos. 1, 3 and 4 namely Shyam Lal Gor @ Shyam Lal Gond, Rajesh Gor @ Rajesh Gond and Harendra Gor @ Harendra Gond be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Bhojpur at Ara in connection with Barahara (Krishnagarh O.P.) P.S. Case No. 182 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of petitioner Nos. 1, 3 and 4



namely Shyam Lal Gor @ Shyam Lal Gond, Rajesh Gor @ Rajesh Gond and Harendra Gor @ Harendra Gond should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioner Nos. 1, 3 and 4 namely Shyam Lal Gor @ Shyam Lal Gond, Rajesh Gor @ Rajesh Gond and Harendra Gor @ Harendra Gond shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner Nos. 1, 3 and 4 namely Shyam Lal Gor @ Shyam Lal Gond, Rajesh Gor @ Rajesh Gond and Harendra Gor @ Harendra Gond shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner Nos. 1, 3 and 4 namely Shyam Lal Gor @ Shyam Lal Gond, Rajesh Gor @ Rajesh Gond and Harendra Gor @ Harendra Gond shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner Nos. 1, 3 and 4 namely Shyam Lal Gor @ Shyam Lal Gond, Rajesh Gor @ Rajesh Gond and Harendra Gor @ Harendra Gond shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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