

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78048 of 2023

Arising Out of PS. Case No.-100 Year-2023 Thana- FATEHPUR District- Gaya

1. Ashok Prasad Yadav @ Ashok Prasad S/O Rajdev Prasad Village- Kendua, Ps. Fatehpur, Dist. Gaya
2. Rita Devi W/O Ashok Prasad @ Ashok Prasad Yadav Village- Kendua, Ps. Fatehpur, Dist. Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioner are apprehending their arrest in connection with Fatehpur P.S. Case No. 100 of 2023, registered on 09.02.2023 for the offences under Sections 341, 323, 325, 379 of the Indian Penal Code.

3. As per prosecution case, the petitioners assaulted the informant and his family members with lathi causing fracture of the leg of the informant. Petitioner no. 1 also snatched a silver locket from the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in



this case. Petitioner no. 1 and the informant are full brothers and there is land dispute between the parties. The allegation of theft has not been found true and other offences are bailable in nature. Petitioner no. 1 has criminal antecedent of one case whereas petitioner no. 2 has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-serious nature of allegation against the petitioners in the background of land dispute and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, 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 Additional Chief Judicial Magistrate Xth, Gaya/concerned court in connection with Fatehpur P.S. Case No. 100 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close



relative of the petitioners.

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

(Arun Kumar Jha, J)

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