

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81838 of 2024

Arising Out of PS. Case No.-170 Year-2018 Thana- SHERGHATI District- Gaya

1. Dinesh Yadav @ Dinesh Prasad, S/o- Late Mungeshwar Yadav, Village- Chanpi, PS- Sherghati District- Gaya
2. Rakesh Yadav @ Rakesh Kumar, S/o- Umesh Kumar @ Umesh Prasad Yadav, Village- Chanpi, PS- Sherghati District- Gaya
3. Mukesh Yadav @ Mukesh Kumar, S/o- Umesh Yadav @ Umesh Prasad Yadav, Village- Chanpi, PS- Sherghati District- Gaya
4. Tun Tun Yadav @ Praveen Kumar @ Tunu Yadav, S/o- Dinesh Yadav @ Dinesh Prasad, Village- Chanpi, PS- Sherghati District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Sherghati P.S. Case No. 170 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that on hearing the screaming of his nephew, the informant rushed to the place of occurrence and found that all the F.I.R. named accused persons, including the petitioners, are



allegedly assaulting his nephew, due to which he sustained multiple injuries over the body.

4. Learned Advocate for the petitioners drawing the attention of this Court to the written report has submitted that apart from the general and omnibus allegation against all the named F.I.R. accused persons, it is only alleged that on account of assault the nephew of the informant received cut injury on the nose. It is further contended that the impugned order is not suggesting that the nephew of the informant has received any grievous injury. Moreover, the petitioners are men of fair antecedent and on being realized that the petitioners have not participated in the crime, both the parties have compromised the matter.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that apart from the fact that the offence is non-compoundable, the impugned order suggests that the injured has received multiple injuries. Moreover, the petitioners had earlier approached before the learned Sessions Judge and their prayer for bail has been turned down and thereafter they have been evading their arrest.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of



allegation and the fair antecedent of the petitioners, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Sherghati, Gaya in connection with Sherghati P.S. Case No. 170 of 2018, **only on verification of the fact that the injured person has not sustained any grievous injury and the matter has been compromised between the parties**, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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