

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81564 of 2023**

Arising Out of PS. Case No.-300 Year-2023 Thana- BELAGANJ District-
Gaya

- =====
1. MRITUNJAY KUMAR SON OF RAJESH YADAV RESIDENT OF VILLAGE - BIRBAL BIGHA, POLICE STATION - BELAGANJ, DISTRICT - GAYA
 2. BHANU KUMAR @ ASHWANI KUMAR SON OF RAJESH YADAV RESIDENT OF VILLAGE - BIRBAL BIGHA, POLICE STATION - BELAGANJ, DISTRICT - GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh
For the Opposite Party/s : Mr. Akhileshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-01-2024 Heard Mr. Ujjawal Kumar Singh, learned counsel for the

petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Belaganj P.S. Case No. 300 of 2023 dated 13.05.2023
registered for the offence under Sections 323, 341, 504, 379,
308/34 of the Indian Penal Code.

The petitioners are said to have assaulted the brother
the informant causing him injury and also snatched golden locket
from the victim.

Learned counsel appearing for the petitioners submits
that the petitioners are innocent and have falsely been implicated
in this case. He further submits that on bare perusal of the F.I.R.,



it appears that the occurrence is alleged to have been committed on 05.05.2023 whereas the instant F.I.R. has been lodged on 13.05.2023 after eight days without any explanation of delay. He further submits that although the petitioners are alleged to have assaulted the brother of the informant but the injury report suggest that the injury sustained by the victim is simple in nature.

Learned A.P.P. for the State has on the other hand opposed the prayer for bail of the petitioners and submits that there is direct allegation of assault against them that they have assaulted the informant and his brother. Apart from that petitioner No.1 carries two cases other than the present one whereas the petitioner No.2 bears the clean antecedent and petitioner No.1 has been granted bail in both the pending cases.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Belaganj P.S. Case No. 300 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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