

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7184 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- KHARHAGPUR District- Munger

1. Gaurav Kumar S/o- Mithlesh Prasad Singh @ Mithlesh Singh R/O- Paharpur Teliyadih, Lochi, Munger, Bihar - 811211
 2. Shakti Singh @ Chunchun Singh S/O- Mithlesh Prasad Singh @ Mithlesh Singh R/O- Paharpur Teliyadih, Lochi, Munger, Bihar-811211
- Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Kharagpur P.S. Case No. 167 of 2023, registered on 30.03.2023 for the offences under Sections 448, 341, 323, 307, 379, 506, 354B/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons, who were variously armed, entered into the house of the informant with wrong intention when only ladies were present in the house. When the informant opposed their act, petitioner no. 1 gave axe blow on his head causing a



fracture and when the elder brother of the informant came for his rescue, petitioner no. 2 hit on his head with butt of pistol. The assailant took away household articles and Rs.13,000/- cash. They were also demanded Rs. Two lakhs.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is no application of Section 307 IPC in the facts and circumstances of the case as there was no motive to cause death of any person. There was no repetition of blow or intervening circumstance. Further more, all the injuries are stated to be simple and no injury has been caused by any sharp cut weapon. All the injuries are lacerated wounds of superficial nature. There is no application of Section 354B IPC as the allegations against the petitioners are super addition. Learned counsel further submits that the petitioner no. 1 is having criminal antecedent of four cases and petitioner no. 2 is having criminal antecedent of three cases.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the petitioners appear to be habitual offender.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering



the absence of any axe injury on the person of the informant and further considering the simple nature of injuries and 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 Chief Judicial Magistrate, Munger/concerned court in connection with Kharagpur P.S. Case No. 167 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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