

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5254 of 2025

Arising Out of PS. Case No.-108 Year-2024 Thana- GOPALPUR District- West Champaran

1. Guddu Gaddi, Son of Suresh Gaddi, Resident of Village- Dakahi, P.S.- Gopalpur, Distt.- West Champaran
2. Kuresh Gaddi @ Kuraish Gaddi, Son of Salamat Gaddi @ Slamat Gaddi, Resident of Village- Dakahi, P.S.- Gopalpur, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 5635 of 2025

Arising Out of PS. Case No.-108 Year-2024 Thana- GOPALPUR District- West Champaran

Awadhesh Gaddi, S/o- Salamat Gaddi @ Slamat Gaddi @ Salamat Quaraishi,
Village- Dakahi, Ps- Gopalpur, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 5254 of 2025)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, Advocate

(In CRIMINAL MISCELLANEOUS No. 5635 of 2025)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 09-05-2025

Re : Criminal Miscellaneous No. 5635 of 2025

Heard Mr. Bimlesh Kumar Pandey, learned Advocate
appearing on behalf of the petitioner and the learned Additional
Public Prosecutor for the State.

2. After some argument learned Advocate for the



petitioner (*Awadhesh Gaddi, in Criminal Miscellaneous No. 5635 of 2025*) seeks permission to withdraw the present application with a liberty to surrender and pray for regular bail without being prejudice by the order of this Court.

3. Permission is accorded.

Re : Criminal Miscellaneous No. 5254 of 2025

4. The petitioners apprehend their arrest in connection with Gopalpur P.S. Case No. 108 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 118, 117, 109, 352, 303(2) and 3(5) of the Bharatiya Nyaya Sanhita.

5. Allegedly while the informant was going to purchase some pesticide and also to extend help to his ailing sister by providing money, in the mean while all the FIR named accused persons intercepted him and took him in an orchard. It is specifically alleged that co-accused Awadhesh Gaddi assaulted him by means of an iron rod over his head. When he tried to prevent, he sustained injury in his right hand, due to which he got a fracture injury. It is further alleged that the accused person snatched total 53,000/- and a golden locket.

6. Learned Advocate appearing on behalf of the petitioners taking this Court through the FIR contended that the specific allegation is revolved around co-accused Awadhesh



Gaddi. So far the petitioners are concerned, save and except their presence, no active role has been attributed. It is further contended that in fact just prior to the occurrence on the pretext of ailing sister, the informant has realized a sum of Rs. 50,000/- from the co-accused Awadhesh Gaddi and when the co-accused protested for the same, his name has been implicated in this case to grab his money. It is the contention of the petitioner that the FIR clearly suggest that he has sustained only one injury over his right hand, but surprisingly the doctor during medical examination found that the informant has sustained fracture injury in both the hand. In fact, the informant met with an accident and in order to wreck vengeance, implicated the name of Awadhesh Gaddi and all his known persons. It is lastly contended that be that as it may, the petitioner no. 1 bears two criminal antecedents, however he is on bail in both the cases, whereas, petitioner no. 2 has fair antecedent.

7. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submitted that the informant has sustained two grievous injuries over both his hands and the petitioners have actively participated in the crime.

8. Regard being had to the submissions made on



behalf of the parties and considering the fact that the injuries sustained to the petitioners have been attributed to co-accused Awadhesh Gaddi and so far the petitioners are concerned, there is no specific allegation of any overt act, coupled with the submissions advanced by learned Advocate for the petitioner and the injury report which contradicts the *fard beyan* of the informant, let the petitioners above named be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Judicial Magistrate 1st Class, Bettiah, West Champaran in connection with Gopalpur P.S. Case No. 108 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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