

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50919 of 2025

Arising Out of PS. Case No.-544 Year-2024 Thana- KONCH District- Gaya

Dilip Sao S/o Late Sheo Pujan Sao R/o Vill- Urtain, P.S.- Konch, Distt- Gaya
(Bihar), at present residig at Vill and P.S.-Panchanpur, Distt- Gaya (Bihar)
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 52109 of 2025

Arising Out of PS. Case No.-544 Year-2024 Thana- KONCH District- Gaya

Manoj Sao Son of Late Sheo Pujan Sao resident of village- Urtain, P.S-
Konch, Dist- Gaya (Bihar), at present residing at village and P.S-
Panchanpur, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 50919 of 2025)
For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Informant : Mr. Abhishek Kumar, Advocate
For the State : Mr. Abhay Kumar Roy, APP
(In CRIMINAL MISCELLANEOUS No. 52109 of 2025)
For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Informant : Mr. Abhishek Kumar, Advocate
For the State : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2025 Heard Mr. Yogesh Chandra Verma, learned Senior

counsel for the petitioners, Mr. Abhishek Kumar, learned counsel

for the Informant and Mr. Abhay Kumar Roy, learned APP for the

State.

2. Petitioners seek bail, who are in custody since

09.04.2025, in connection with Konch P.S. Case No. 544 of 2024,

F.I.R. dated 29.12.2024 registered for the offences punishable



under Sections 126(2), 115(2), 118(2), 109, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegation against the petitioners is that they have assaulted the brother of the informant due to which he sustained injuries.

4. Earlier the petitioners have moved before this Court for grant of bail in Cr. Misc. No. 18986 of 2025 which was dismissed as withdrawn. Thereafter, the petitioner namely Dilip Sao has again moved before this Court for grant of bail but the same was dismissed as withdrawn with the liberty to file a fresh application.

5. Learned Senior counsel for the petitioners submits that the petitioners carry two more cases other than the present one in which they have been granted bail by the learned Court below itself. He further submits that the petitioners are innocent and they have been falsely implicated in the present case. Learned Senior counsel for the petitioners fairly submits that although the petitioners are named in the F.I.R. and there is specific allegation against the petitioner and other co-accused persons that they have assaulted the brother of the informant with sword and there is no specific allegation against the petitioners in the F.I.R. and in other words there is general and omnibus allegation against the accused persons. Learned Senior counsel for the petitioners further



submits that the prosecution has produced three injuries and the first injury dated 28.12.2024 after the date of occurrence which suggests that the injury is simple in nature, thereafter the supplementary injury was produced by the Doctor dated 04.03.2025 which also suggests that the injury is simple in nature caused by hard and blunt substance which has not supported the case of the prosecution as alleged in the F.I.R. and thereafter the third injury report dated 31.05.2025, the revised supplementary injury was produced by the prosecution which also suggests that the injury is grievous in nature. Learned counsel for the petitioner submits that in view of the three injury reports it is very difficult under what circumstances three injury reports were prepared by the same Doctor. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 09.04.2025.

6. The learned Additional Public Prosecutor for the State as well as learned counsel for the Informant, on the other hand, vehemently opposed the prayer for bail of the petitioners and submits that the injury inflicted upon the brother of the informant is grievous in nature.

7. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond 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-VIII, Gaya in connection with Konch P.S. Case No. 544 of 2024, subject to 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 bonds shall be cancelled by the Court below.

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

(3) 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 antecedents, 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.

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(Rajesh Kumar Verma, J)

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