

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76940 of 2024

Arising Out of PS. Case No.-281 Year-2022 Thana- GAMAHARIYA District- Madhepura

1. Hemlata Devi W/O Amod Yadav Resident of Village- Jagwani, P.S- Gamhariya, Distt.- Madhepura.
2. Anuj Kumar S/O Amod Yadav Resident of Village- Jagwani, P.S- Gamhariya, Distt.- Madhepura.
3. Ankit Kumar S/O Amod Yadav Resident of Village- Jagwani, P.S- Gamhariya, Distt.- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Durgesh Kumar, Advocate
For the State	:	Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Gamhariya PS. Case No.-281 of 2022, registered for the offences punishable under Sections 341, 324, 379, 354A, 307, 504/34 of the Indian Penal Code.

3. As per allegation, when the husband and the son of the informant went to the house of the accused persons and asked for the consideration amount for sale of their land, they were abused and assaulted. As per further allegation, Amod



Yadav had assaulted the son of the informant by *farsa* whereas the accused Ankit Kumar assaulted her by *bhala* resulting into fracture on the head. The husband of the informant was also assaulted by the accused, Hemlata Devi by rod.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that as per the alleged facts and circumstances and the injury report, the offence under Section 307 IPC is not made out. He refers to the injury report, as per which, Dilkhush Kumar has suffered simple injury on his head whereas the informant has got only body ache.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the



date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Madhepura/ C.J.M. Madhepura, in connection with Gamhariya PS. Case No.-281 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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