

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89087 of 2024

Arising Out of PS. Case No.-291 Year-2024 Thana- KONCH District- Gaya

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1. Chandan Kumar S/O Parshuram Kumar @ Parshuram Chauhan Village- Gauharpur Tola Balwapar, P.S.- Konch, District-Gaya
 2. Vikram Chauhan @ Vikram Kumar S/O Parshuram Kumar @ Parshuram Chauhan Village- Gauharpur Tola Balwapar, P.S.- Konch, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uma Kant Mishra, Advocate
For the Informant	:	Mr. Praveen Kumar, Advocate
For the State	:	Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 26-06-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners seek bail in a case registered for the offence punishable under Sections 341, 323, 307, 34, 504 of the Indian Penal Code to which Section 302 of IPC was added subsequently.

3. As per the FIR, the informant alleged that her husband had gone to attend the call of nature and in the meantime, the accused persons including these petitioners came there and brutally assaulted her husband upon which he sustained serious injuries and was admitted to the Magadh Medical Hospital.

4. Learned counsel for the petitioners submits that the



petitioners have falsely been implicated in this case. Initially the case was lodged under Sections 341, 323, 307, 34, 504 of the Indian Penal Code, however, after 10 days of the occurrence husband of the informant died. As such, Section 302 of IPC was added. The learned counsel has next submitted that there is general and omnibus allegation against all and from perusal of the injury report it would be evident that the injuries were found to be simple. Learned counsel has also submitted that from perusal of the postmortem report it would be evident that no external and internal injuries were found. It was stated that death was not on account of physical assault as mentioned in the injury report, however, postmortem report has reserved the opinion of death till the Viscera report. Learned counsel for the petitioner further submits that the petitioners have clean antecedent and are in custody since 07.07.2024.

5. Learned counsel for the informant and learned APP for the State have vehemently opposed the prayer for bail. Learned counsel for the informant has submitted there is allegation upon the petitioners to have assaulted the husband of the informant and on account of the injuries sustained he subsequently succumbed to the injuries. It has also been submitted by the learned counsel for the informant that the



postmortem report has reserved the opinion of death till the viscera report.

6. Considering the aforesaid facts and circumstances of the case and looking at the injury report as well as the postmortem report and the period of custody, let the petitioners, above named, be released on bail on each of them furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending /concerned court, in connection with Konch P.S. Case No. 291 of 2024 subject to the conditions that

a. One of the bailors of the petitioners shall be their close relative.

c. The petitioners shall remain physically present in Court on each date of the trial.

d. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioners in similar nature of offence, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

e. 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.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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