courtkutchehry.com

Company: Sol Infotech Pvt. Ltd.
Website: www.courtkutchehry.com
Printed For:
Date: 30/10/2025

(2021) 03 PAT CK 0062

Patna High Court

Case No: Criminal Miscellaneous No. 31875 Of 2020

Kanhaiya Patel @ Kanhaiya Prasad And Ors — APPELLANT

Vs

State Of Bihar — RESPONDENT

Date of Decision: March 5, 2021

Acts Referred:
Indian Penal Code, 1860 â€" Section 34, 307, 323, 324, 341, 379, 504, 506#Code Of Criminal Procedure, 1973 â€" Section 438(2)

Citation: (2021) 03 PAT CK 0062

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Udit Narayan Singh, Gulnar Begum

Final Decision: Disposed Of

Judgement

1. Heard Mr. Udit Narayan Singh, learned counsel for the petitioners and Ms. Gulnar Begum, learned Additional Public Prosecutor (hereinafter

referred to as the Ã¢â‚¬ËœAPPÃ¢â‚¬â„¢) for the State.

2. The petitioners apprehend arrest in connection with Siswan (Chainpur OP) PS Case No. 131 of 2020 dated 28.06.2020, instituted under Sections

341/323/324/307/379/504/ 506 and 34 of the Indian Penal Code.

3. The allegation against the petitioners is of assault by lathi, danda and iron rod and specifically against petitioner no. 3 of hitting on the head of the

informant with iron rod and against petitioner no. 1 of snatching gold chain worth Rs. 35,000/- and against petitioner no. 4 of taking Rs. 5,000/- from

the pocket of the informant whereas petitioner no. 5 is said to have extorted the accused to assault.

4. Learned counsel for the petitioners submitted that an accident occurred for which there is also counter case and it is the informant side which had

come to the shop of the petitioners and after eating sweets refused to pay and had also assaulted. It was submitted that the injury has been caused on

the side of the petitioners also and on both sides the injury is simple in nature. It was further submitted that the allegation of snatching of gold chain

and cash is ornamental and further that the petitioners have clean antecedent.

5. Learned APP submitted that the allegation is of assault and snatching of gold chain and cash.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Siwan in Siswan (Chainpur OP) PS

Case No. 131 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the

bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the

petitioners and they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the

undertaking and failure to co-operate shall lead to cancellation of their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court

concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

8. The application stands disposed off in the aforementioned terms.