

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19824 of 2020

Arising Out of PS. Case No.-277 Year-2019 Thana- KHAGARIA District- Khagaria

PINKESH SAH @ PINKESH SAW, S/o Balkeshwar Sah, R/o village- Rani
Sakarpura, P.S.- Gangaur, District- Khagaria ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Yogesh Kumar, Adv.

For the Opposite Party : Mr. Sunil Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 03-02-2021 As prayed for, let the learned counsel for the petitioner remove the defect(s), as point out by the office vide it's note, dated 06.06.2020, within four weeks of starting of the Court proceeding in physical mode.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Khagaria (Gangaur) P.S. Case No. 277 of 2019, pending in the Court of the Chief Judicial Magistrate, Khagaria, registered under Sections 341, 448, 504, 506, 323, 337, 338 and 307/34 of the Indian Penal Code.

The accusation is that seven persons, named in the first information report, including the petitioner, along with unknown, came at the house of the informant, Chinta Devi, and started to abuse. When the informant made protest, then, Vinod Sah caused blood oozing injury on her head by pelting brick.



On the alarm being raised by the informant, her son Dhiraj Kumar came to save the informant, then, this petitioner caused blood oozing injury at the forehead of the son of the informant by pelting brick.

Learned counsel appearing on behalf of the petitioner submits that the prayer of the pre-arrest bail of the petitioner was refused on 09.08.2019, passed in Cr. Misc. No. 50040 of 2019.

Now the circumstances has changed that at that time of occurrence the defence side also sustained injury and Khagaria (Gangaur) P.S. Case No. 273 of 2019 was also instituted on the basis of the fardbeyan of the petitioner and the petitioner has also sustained grievous injury. Now, both the sides have settled the dispute and has filed the compromise petition in the trial Court. Further, submission is that petitioner is the teacher.

Taking into consideration the nature of injury, as caused by the petitioner on the forehead of the son of the informant and his prayer for pre-arrest bail has already been rejected, as such, I do not find any reason to re-consider the prayer for bail at present also. The prayer for pre-arrest bail is **rejected**. However, the petitioner is directed to surrender before



the Court below within six weeks and seek regular bail, which will be considered by the trial Court on its own merit without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

Shamshad/-

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