

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19108 of 2023

Arising Out of PS. Case No.-508 Year-2019 Thana- MASAUDHI District- Patna

1. PAWAN KUMAR Son of Late Badhu Mahto R/V- Nisiawan, PS- Masaurhi Dist- Patna
2. Abhay Kumar @ Ajay Kumar Son of Pawan Kumar R/V- Nisiawan, PS- Masaurhi Dist- Patna
3. Shrawan Kumar @ Shrawan Kumar Mahto Son of Late Badhu Mahto R/V- Nisiawan, PS- Masaurhi Dist- Patna
4. Biku Kumar @ Bigu Kumar Son of Parmeshwar Mahto R/V- Belai P.S- Ghoshi, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manisha Prakash, Advocate.

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2023 Heard Mr. Manisha Prakash, learned counsel appearing on behalf of the petitioners and Mrs. Indu Kumari Srivastava, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Masaurhi P.S. Case No. 508/2019 registered for the offence punishable under Sections 147, 149, 341, 323, 504, 354, 308 and 506 of the Indian Penal Code.

3. As per the F.I.R., allegation against the petitioners is of assaulting the informant and his father due to dispute over alleged breaking of the drainage pipe by the informant's side.

4. Learned counsel appearing on behalf of the petitioners submits that the informant and the petitioners are



relatives. They entered into hot talk for release of drain water which turned into fierce fight. Both the parties assaulted each other. Petitioners in self-defence might have caused some injury on the informant and his father. However, no allegation of assault has been alleged against the petitioners above named. Allegation of assault is specific against one co-accused Binod.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the aforesaid facts and circumstances of the case and the fact that the specific allegation of assault has not been alleged against the petitioner rather the same has been alleged against co-accused Binod and petitioners have no criminal antecedent, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM, Masaurhi, Patna in connection with Masaurhi P.S. Case No. 508 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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