

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 18486 of 2023**

Arising Out of PS. Case No.-262 Year-2022 Thana- LODIPUR District- Bhagalpur

1. SUKHO HARIJAN Son of Gango Harijan @ Ganga Harijan Resident of village - Jamsi, P.S.- Lodipur, District - Bhagalpur.
2. Futo Harijan Son of Gango Harijan @ Ganga Harijan Resident of village - Jamsi, P.S.- Lodipur, District - Bhagalpur.
3. Gango Harijan @ Ganga Harijan Son of Late Bajrangi Harijan Resident of village - Jamsi, P.S.- Lodipur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                      |
|--------------------------|---|--------------------------------------|
| For the Petitioner/s     | : | Mr. Ranjan Kumar Jha, Advocate       |
|                          | : | Mr. Miryunjay Kumar Mishra, Advocate |
| For the Opposite Party/s | : | Mr. Kumar Veerendra Narayan, A.P.P.  |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      12-06-2023                      Heard Mr. Ranjan Kumar Jha, learned counsel appearing on behalf of the petitioners and Mr. Kumar Veerendra Narayan, learned A.P.P. for the State.

2. The petitioners seek pre-arrest bail in connection with Lodipur P.S. Case No. 262 of 2022 dated 03.11.2022 registered for the offence punishable under Sections 323, 341, 147, 149, 379, 326 and 354 of the Indian Penal Code.

3. Prosecution story, in brief, is that the accused persons named in the FIR including the present petitioner, came and started abusing and assaulting the informant due to which the informant sustained injury and her one tooth was broken.

4. Learned counsel appearing on behalf of the



petitioners submitted that the petitioners are downtrodden people and they were collecting filth. The parties had entered into hot exchange of word and in the said course without any intention some injury has been caused to the informant in which one of the teeth of the informant was broken. So far as the allegation of theft is concerned, the said allegation is also false and fabricated. Learned counsel further submitted that the Court below while considering the bail application of the petitioner along with other co-accused vide impugned order dated 13.01.2023 had allowed the anticipatory bail application of the other co-accused and rejected the bail application of the present petitioners on the simple ground that petitioner no. 1 had assaulted the informant which caused tooth injury to the informant. He further submitted that admittedly all the co-accused persons named in the FIR has been alleged to have assaulted the informant. On these grounds, learned counsel seeks pre-arrest bail of the petitioners.

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

6. Having considered the rival submissions of the parties as well as the fact that no specific allegation has been made against petitioner nos. 2 and 3 and so far as the allegation against the petitioner no. 1 is concerned is that in course of fierce fight,



one of the teeth of the informant was broken. Injury sustained by the informant is not grievous in nature. I am of the opinion that petitioners have *prima facie* made out a case to be released on pre-arrest bail.

7. 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. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Patna City, Patna in connection with Lodipur P.S. Case No. 262 of 2022 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Purnendu Singh, J)**

GauravSinha/-

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