

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22618 of 2023

Arising Out of PS. Case No.-201 Year-2022 Thana- JADOPUR District- Gopalganj

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1. Sanjay Sah, Male, aged about 30 years, son of Late Shivpujan Sah
 2. Arjun Sah, Male, aged about 33 years, son of Lalan Sah
Both Residents Of Village- Jadopur Dukhharan @ Dukhaharan, P.S.-
Jadopur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-06-2023 Heard Mr. Setu Prateek, learned counsel appearing
on behalf of the petitioners and Mr. Ram Sevak Choudhary,
learned APP for the State.

2. Learned counsel appearing on behalf of the
petitioners informs this Court that so far as the petitioner no. 2,
namely, Arjun Sah, is concerned, he has been arrested during the
pendency of the present bail application and as such the prayer
for grant of pre-arrest bail on behalf of petitioner no. 2 has
become infructuous.

3. In view of the above submission, the petition filed
on behalf of the petitioner no.2, namely, Arjun Sah, is dismissed
as withdrawn.



4. The petitioner no. 1 seeks pre-arrest bail in connection with Jadopur P.S. Case No. 201 of 2022 dated 22.11.2022 registered for the offence punishable under Sections 147, 148, 149, 323, 324, 307, 504 and 506 of the Indian Penal Code.

5. Prosecution story, in brief, is that the petitioners had assaulted the informant and his family members by means of *lathi-danda* and iron rod due to which, the informant and his family members had sustained injury.

6. Learned counsel appearing on behalf of the petitioners submitted that so far as the petitioner no. 1 is concerned, he is innocent and the allegation alleged against him in the FIR is not sustainable. There is case and counter case between the parties. Injuries sustained by the informant and his family members is simple in nature caused by hard and blunt substance. Petitioners have no criminal antecedent. On these grounds, petitioner no. 1, namely, Sanjay Sah, seeks to be released on pre-arrest bail.

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

8. Considering the nature of allegation made against the petitioner no. 1 in the FIR as well as injury report reveals



that the injury sustained by the informant is simple in nature and there is case and counter case between the parties, I am of the opinion that petitioner no. 1, namely, Sanjay Sah, has, *prima facie*, made out a case to be released on pre-arrest bail.

9. The petitioner no. 1, namely, Sanjay Sah, is directed to be released on pre-arrest bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gopalganj in connection with Jadopur P.S. Case No. 201 of 2022 dated 22.11.2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/Nilmani

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