

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30986 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- LALGANJ District- Vaishali

-
1. Vijay Kumar, son of Shree Sahdeo Pandey, R/O Village- Lakhan Sarai Tejsih Ps- Lalganj Dist- Vaishali
 2. Vijeta Kumar Banti @ Vijeta Kumar, son of Vijay pandey Village- Lakhan Sarai Tejsih Ps- Lalganj Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-06-2023 Heard Mr. Prakash Chandra Jha, learned counsel appearing on behalf of the petitioners and Mr. Syed Mojibur Rahman, learned APP for the State.

2. At the outset, learned counsel appearing on behalf of the petitioners informs this Court that petitioner no. 1, namely, Vijay Kumar, was arrested during the pendency of the present bail application and as such the prayer for grant of pre-arrest bail has become infructuous so far as the petitioner no. 1 is concerned.

3. In view of the above submission, the petition filed on behalf of the petitioner no.1, namely, Vijay Kumar, is dismissed as withdrawn.



4. The petitioner no. 2, namely, Vijeta Kumar Banti, seeks pre-arrest bail in connection with Lalganj P.S. Case No. 09 of 2023 registered for the offence punishable under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

5. Prosecution story, in brief, is that while the informant along with his brother was sitting at his door the accused persons named in the F.I.R. including the petitioners had assaulted the informant and his brother by means of sword due to which the informant had sustained head injury as well as injury on the right leg.

6. Learned counsel appearing on behalf of the petitioners submitted that so far as petitioner no. 2 is concerned, there is direct allegation against him is to cause injury on the right leg of the informant and the injury is not on the vital part of the body. He further submitted that there is admitted land dispute between the parties. Both the parties are agnates. Petitioner has clean antecedent. On these grounds, petitioner no. 2 seeks to be released on pre-arrest bail.

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

8. Having considered the rival submission of the parties as well as taking into consideration the nature of



allegation made in the F.I.R. so far as the petitioner no. 2 is concerned, it is specific that he had assaulted on the right leg of the informant which is not the vital part of the body and petitioner no. 2 has clean antecedent, I am of the opinion that petitioner no. 2, namely, Vijeta Kumar Banti, has prima facie made out a case to be released on pre-arrest bail.

9. The petitioner no. 2, namely, Vijeta Kumar Banti, 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 C.J.M., Vaishali at Hajipur in connection with Lalganj P.S. Case No. 09 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/-

U			
---	--	--	--

