

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32465 of 2023

Arising Out of PS. Case No.-549 Year-2022 Thana- BAHERA District- Darbhanga

1. Jata Shankar Singh, aged about 47 years, Son of Late Ram Avtar Singh, resident of village - Nandapatti (Ashapur), P.S. - Bahera, District. - Darbhanga
2. Raghav Singh, aged about 23 years, Son of Jata Shankar Singh, resident of village - Nandapatti (Ashapur), P.S. - Bahera, District. - Darbhanga
3. Shivam Kumar Singh, aged about 18 years, Son of Jata Shankar Singh, Resident of village - Nandapatti (Ashapur), P.S. - Bahera, District - Darbhanga
4. Babi Devi, aged about 42 years, (F) Wife of Jata Shankar Singh, resident of village - Nandapatti, P.S. - Bahera, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-07-2023 Heard Mr. Kaushal Kumar Jha, learned counsel appearing on behalf of the petitioner and Mr. Mukesh Kumar Singh, learned APP for the State.

2. Learned counsel appearing on behalf of the petitioner informs this Court that the petitioner nos. 1 and 2 have been arrested during the pendency of the present bail application and as such the present bail application has become infructuous on behalf of petitioner nos. 1 and 2.

3. Accordingly, the present bail application on behalf of petitioner nos. 1 and 2 is dismissed as withdrawn.



4. The petitioner nos. 3 and 4 seeks pre-arrest bail in connection with Bahera P.S. Case No. 549 of 2022 registered for the offence punishable under Sections 341, 323, 307, 379, 354/B and 34 of the Indian Penal Code.

5. Prosecution story, in brief is that all the accused persons named in the FIR including the petitioners had assaulted the informant and his family members for construction over the disputed land. The main allegation of having committed assault is on Jata Shankar Singh.

6. Learned counsel appearing on behalf of the petitioners submitted that so far as petitioner nos. 3 and 4 are concerned, there is general and omnibus allegation made against them. There is case and counter case between the parties. The main allegation of having committed assault is on Jata Shankar Singh. Petitioners have clean antecedent. On these grounds, petitioner nos. 3 and 4 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 petitioners is general and omnibus. There is case and counter case between the parties. The main allegation of having committed assault is on Jata Shankar Singh. Petitioners have



clean antecedent. I am of the opinion that petitioner nos. 3 and 4 have, *prima facie*, made out a case to be released on pre-arrest bail.

9. The petitioner nos. 3 and 4, 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.- Ist, Benipur, Darbhanga in connection with Bahera P.S. Case No. 549 of 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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