

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36569 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- BHANGWANPUR HAT District- Siwan

1. Surendra Yadav S/O Ganesh Yadav @ Jhingur Yadav R/O Vill. Ratan Padauli, Ps. Bhagwanpur Hat, Dist. Siwan
2. Ganesh Yadav @ Jhingur Yadav S/O Shukal Yadav @ Sukhal Yadav R/O Vill. Ratan Padauli, Ps. Bhagwanpur Hat, Dist. Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 30-08-2023 Hearnd Mr. Bijay Prakash Singh, learned counsel appearing on behalf of the petitioners and Mr. Zainul Abedin, learned A.P.P. appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Bhagwanpur Hat P.S. Case No. 111 of 2023 registered under Sections 341, 323, 324, 307, 379, 504, 506, 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the accused persons named in the FIR including the petitioners had assaulted the informant and his family member by means of *lathi-danda*, due to which, family member of the informant namely, Kiran Devi and Ajit Kumar had sustained injuries on



their head.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Informant is *Gotiya* (agnate) of the petitioners, with whom, petitioners are with inimical terms and because of same, the petitioners have been dragged in a false case. Injuries sustained by the family member of the informant namely, Kiran Devi and Ajit Kumar are simple in nature. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the nature of allegation made in the FIR as well as the fact that the enmity between the informant and the petitioners is due to some family dispute, injuries sustained by both the victim are simple in nature. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. Learned Court below is directed to release the petitioners, above named, on pre-arrest bail, in the event of their arrest or surrender before the learned Court below within a



period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan in connection with Bhagwanpur Hat P.S. Case No. 111 of 2023, 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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