

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37943 of 2023**

Arising Out of PS. Case No.-307 Year-2022 Thana- WARISNAGAR District- Samastipur

1. Manish Kumar Son Of Mohan Mahto R/O village Akbarpur Mathurapur PS Warisnagar, District- Samastipur
2. Rakesh Kumar Son Of Mohan Mahto Resident Of Villge- Akbarpur Mathurapur, PS- Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      27-07-2023                      Heard Mr. Bijay Bhushan Prasad, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Warisnagar P.S. Case No. 307 of 2022 registered for the offence punishable under Sections 147, 148, 341, 342, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

3. It is submitted that the petitioners are man of fair antecedent, however, on account of some trifle, the persons of both the sides have entered into a scuffle, which resulted into injury to the persons of both the sides and, thereafter, the FIR



has been instituted.

4. Learned counsel appearing on behalf of the petitioners submits that from the narration of the FIR, it is evident that the occurrence is said to have been taken place on 02.10.2022, but the FIR has been instituted on 08.10.2022, without there being any explanation for delay in filing of the same. He next submits that the persons of both the sides are neighbour and no specific allegation has been attributed against the petitioners. That apart, the impugned order, though talks about the injury of stitch wound over the head of the injured, but the nature has not been mentioned. He next submits that considering the fact that the persons of both the sides are neighbour, they have settled the dispute outside the Court.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application and submits that the petitioners have actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the delay in lodging of the FIR, coupled with the fair antecedent, let the above named petitioners, be released on bail, in the event of their arrest of surrender before the learned Court below within a period of four weeks from today, on



furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – II, Samastipur in connection with Warisnagar P.S. Case No. 307 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that one of the bailors shall be the own/close family members of the petitioners.

**(Harish Kumar, J)**

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