

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47119 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- DAUDPUR District- Saran

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1. AKASH KUMAR SINGH @ AKASH SINGH SON OF AJAY SINGH
RESIDENT OF VILLAGE- LEJUAR, PS- DAUDPUR, DIST- SARAN
 2. SAGAR KUMAR SINGH @ SAGAR SINGH SON OF AJAY SINGH
RESIDENT OF VILLAGE- LEJUAR, PS- DAUDPUR, DIST- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 2, Adv.

For the Opposite Party/s : Mr. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Mr. Manish Kumar No 2, learned counsel

appearing on behalf of the petitioners and Mr. Fahimuddin,

learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection
with Daudpur P.S. Case No. 165 of 2022, dated 11.06.2022,
registered under Sections 341, 448, 380, 307 and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation made in the F.I.R. 10 accused
persons committed loot in the house of the informant and on
assistance they fired with country made Pistol. No injury has
been alleged in the F.I.R.

4. Learned counsel appearing on behalf of the



petitioners submits that petitioners are innocent and due to enmity the informant side had fired on the leg of petitioner no. 1 and he has lodged F.I.R. against the informant and other associates being Daudpur P.S. Case No. 164 of 2022, much before the F.I.R. in which the petitioners have been made accused. Learned counsel further submits that the specific statement has been made in paragraph-3 of the bail application that two cases are pending against petitioner no.2 and one case is pending against petitioner no. 1.

5. Learned A.P.P. for 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 F.I.R., there is case and counter case in which petitioner no. 1 has sustained injury on the said date of incident which has occurred on 10.06.2022. No injury has been alleged against the petitioners, no allegation of assault has been made against the petitioners, rather petitioner no. 1 was assaulted and he sustained injury on his leg, I am of the opinion that the petitioners have prima facie made out a case to be released on bail, let the above named petitioners, be released on 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.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Gitika Tripathi, J.M., Ist Class, Chapra in connection with Daudpur P.S. Case No. 165 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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