

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58544 of 2023

Arising Out of PS. Case No.-543 Year-2022 Thana- MASHRAK District- Saran

Reyaz Ali, aged about 35 years, Male, Son of Akhtar Ali, Resident of Village-
Dewariyan, P.S.-Masrakh, District-Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-12-2023 Heard Mr. Dhananjay Kumar Tiwary, learned counsel
appearing on behalf of the petitioner and Mr. Jai Narain Thakur,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Masrakh P.S. Case No. 543 of 2022 dated 22.11.2022
registered for the offence punishable under Sections 341, 323,
307, 354(B), 379, 506 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused
persons named therein including the petitioner had assaulted the
informant with a common intention to kill him, due to which,
the informant had sustained head injury.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. There is case and counter



case between the parties and on the day of incidence, altercation took place between the parties relating to land dispute. Both the parties are family members and as a result of hot talk and fierce fight, the petitioner in his self defence may have caused some injuries to the informant but without any intention to kill him. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

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

6. Having heard the rival submission made on behalf of the parties, as well as, the allegation made in the FIR, there is case and counter case between the parties. Both the parties are own family members and as a result of hot talk and fierce fight, the petitioner in his self defence may have caused some injuries to the informant but without any intention to kill him. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner 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 Judicial Magistrate- 1st Class, Saran at Chapra, in connection with Masrakh P.S. Case No. 543 of 2022 dated 22.11.2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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