

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54260 of 2023

Arising Out of PS. Case No.-208 Year-2020 Thana- SHAHPUR PATORI District- Samastipur

Chintu Kumar S/O Sudhir Ray R/O Village- Jalalpur , PS Patori (Mohanpur O.P.), Dist. Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2023 Heard Mr. Kumar Praveen, learned counsel
appearing on behalf of the petitioner and Mr. Amitesh Kumar,
learned APP for the State.

2. petitioner seeks pre-arrest bail in connection with
Patori (Mohanpur O.P.) P.S.Case No.208/2020, registered for
the offences punishable under Sections 147, 148, 307, 323, 341,
379, 447, 504 and 506 of the Indian Penal Code.

3. Prosecution story, in brief, is that all the accused
persons came at the Tent House of the informant with bad
intention of committing *loot* and on protest of brother of the
informant, co-accused Sudhir Ray hit at his head with brick, due
to which he fell down and when his cousin Jitendra Ray came to
object, petitioner assaulted with the *Butt* portion of the Pistol on
his forehead. The informant was also assaulted by co-accused



Dharmendra Kumar by *lathi* on his left hand. They also looted the shop of the informant. Co-accused Ajay Kumar snatched 'Hanumani' from the neck of the cousin of the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent, however, allegation against him is that he had caused injury on the forehead of cousin of the informant, namely, Jitendra. Both the parties are of the same village having interest in local politics and divided in two groups of the politics. On the day of occurrence, both the parties were engaged in scuffle with each other and the petitioner may have caused injury on the head of cousin of the informant, namely, Jitendra without any intention rather in his self-defence. Learned counsel further submitted that on the same day of filing the FIR by the informant, the petitioner has also filed FIR against the informant. Petitioner has clean antecedent.

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

6. Considering the nature of allegation made in the FIR, there is case and counter case between the parties and it appears that the petitioner in his self-defence may have caused injury to the cousin of the informant without any intention, 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.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri S.N. Sah, learned J.M. Ist Class, Samastipur/concerned court in connection with Patori (Mohanpur O.P.) P.S.Case No.208/2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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