

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58032 of 2023

Arising Out of PS. Case No.-32 Year-2020 Thana- MEHANDIA District- Jehanabad

1. Gorakh Paswan aged about 35 years (M)
2. Chhotelal Paswan aged about 33 years (M) both sons of Gorment Paswan
3. Uttam Kumar aged about 20 years (M) son of Sahajanand Paswan.
All are resident of Village- Injore, P.S- Mehandia, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-10-2023 Heard Mr. Paras Nath, learned counsel appearing
on behalf of the petitioners and Mr. Mithlesh Kumar Khare,
learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Mehandia P.S. Case No. 32 of 2020 registered for the
offence punishable under Sections 341, 323, 308 and 504/34 of
the Indian Penal Code.

3. As per the allegation made in the FIR, petitioner
along with other co-accused persons had assaulted the informant
and his family for keeping garbage of drainage in front of the
door of the informant.

4. Learned counsel appearing on behalf of the



petitioners submitted that there is case and counter case between the parties. The wife of the petitioner has also filed case subsequent to the allegation as made against the petitioner in the FIR. The dispute relates to drainage. From bare perusal of the FIR it appears that no specific allegation of assault has been made against the petitioners rather the allegation is general and omnibus in nature. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

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

6. Considering the nature of allegation made against the petitioners in the FIR as well as there being a case and counter case between the parties with respect to drainage, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each, with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Arwal, in connection with Mehandia P.S. Case No. 32 of 2020,



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 petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

Niraj/-

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