

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57223 of 2023

Arising Out of PS. Case No.-260 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

1. Saroj Kumar Singh @ Saroj Kumar S/O Tilkeshwar Singh R/O Village And Post - Bahadurpur Patori, P.S. - Patori
2. Sunil Kumar Singh @ Sunilkumar S/O Dorik Singh @ Daurik Singh R/O Village And Post - Bahadurpur Patori, P.S. - Patori
3. Md. Nasaruddin S/O Md. Khamir Hussain @ Md. Khamir R/O Village - Iman Sarai, P.O. - Shahpur Undi, P.S. - Patori

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Akhileshwar Pandey, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Patori P.S. Case No. 260 of 2023 registered for the offenses punishable under Sections 341, 323, 324, 307, 504, 279, 337, 338, 427 and 34 of the Indian Penal Code. The petitioners have no criminal antecedent.

3. As per the prosecution story, when the informant was going to his poultry farm, his motorcycle was dashed by a pick-up van bearing Registration No. BR-9F-8415 from back due to which he got some injury and fell down. When he protested about the said rash driving, the FIR named accused



persons (these petitioners) abused him and assaulted him. Saroj Kumar Singh having knife, Sunil Singh having iron rod and Md. Nasaruddin having tire liver assaulted him due to which he received injury on his right hand. They also snatched Rs.37,000/- from his *galla*.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. It is further submitted that there is case and counter-case between the parties.

5. Learned counsel submits that the informant has been found under influence of alcohol in the breath analyzer test.

6. Learned APP for the State has opposed the prayer for bail of the petitioners.

7. Having regard to the facts and circumstances of the case wherein it is submitted that there is a case and counter case between the parties with respect to the alleged occurrence and both the parties have caused simple injuries to each other and the informant has been found under influence of alcohol in the breath analyzer test, hence, let the petitioners who have otherwise no criminal antecedent, in case of their arrest or surrender within a period of four weeks from today, be released



on bail in connection with Patory P.S. Case No. 260 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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