

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61471 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- JALE District- Darbhanga

1. Ashok Das Son Of Tetar Das @ Late Tetar Das Resident Of Village-Bhatpokhara, P.S.- Jalley, District- Darbhanga
2. Nagendra Das Son Of Tetar Das @ Late Tetar Das Resident Of Village-Bhatpokhara, P.S.- Jalley, District- Darbhanga
3. Ratan Das @ Ratan Das Son Of Nagendra Das Resident Of Village-Bhatpokhara, P.S.- Jalley, District- Darbhanga
4. Nagina Das Son Of Tetar Das @ Late Tetar Das Resident Of Village-Bhatpokhara, P.S.- Jalley, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-04-2023 Heard Mr. Vinay Kumar Mishra, learned counsel appearing on behalf of the petitioner and Mr. Shailendra Kumar Singh, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Jalley P.S. Case No. 53 of 2022 registered under Sections 448, 341, 323, 324, 354, 379, 337, 338, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution story, in brief, is that the petitioner and informant are neighbor. The petitioner had objected not to play loud sound, the informant refused to do the same due to which they started assaulting each other.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner had objected to the high pitch sound of the music system used during ceremony by the informant. The informant refused to do the same for which the present F.I.R. has been lodged against petitioner nos. 1, 2, 3, and 4 for having assaulted the informant and his side. It is submitted that the parties are on inimical terms and in the present case due to fierce fight, in self defence some injury may have been caused to the informant and his side. There is dispute between the parties, case and counter case have been lodged by either side. The petitioner has made specific statement in Paragraph No. 3 of the bail application one criminal case is pending against petitioner nos. 1, 2 and 4. The petitioner no. 3 has no criminal antecedent. Learned counsel further submitted that petitioners are innocent and they have falsely been implicated in the present case.

5. Considering the nature of allegation made in the F.I.R. and the fact that petitioner and informant are neighbor, they are on inimical terms due to which they had indulged in a fierce fight and in self defence without intention injury may have been caused to the informant and his side.

6. In above view of the matter, the petitioners have



made out a case to be released on anticipatory bail.

7. The Court below is directed to release the petitioners on anticipatory 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) with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate-I, Darbhanga in connection with Jalley Case No. 53 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The present bail application is disposed of.

(Purnendu Singh, J)

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