

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58564 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- CHAKAI District- Jamui

1. Gopal Das S/O Late Sobhi Das
2. Brahmdeo Das S/O Thakari Das
Both resident of Village- Fariyatadih, P.S- Chakai, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-10-2023 Heard Mr. Akhauri Kamal Kishore Sahay, learned counsel appearing on behalf of the petitioners and Mr. Md. Fahimuddin, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Chakai P.S.Case No.113 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 354B, 337 and 504 of the Indian Penal Code.

3. As per allegation made in the FIR, altogether nine accused persons including the petitioners named in the FIR assaulted upon the informant and outraged her modesty. The reason of the incident is that the informant and her brother-in-law had jointly given a loan of Rs.29,000/- as well as articles of worth Rs.10,000/- to the co-accused, Kesho Das, and when the



informant asked to return Rs.39,000/-, which was given as loan, all the accused persons including the petitioners started abusing and attacked upon her causing fracture in her left hand.

4. Learned counsel appearing on behalf of the petitioners submits that the genesis of the incident is with respect to demand of Rs.39,000/- , which the informant and her brother-in-law had given to co-accused, Kesho Das, as loan. Petitioners are agnates of said Kesho Das, who is not returning the amount. Learned counsel further submits that no such incident has taken place. Admittedly, the present case is with respect to transaction of Rs.39,000/- as the informant and her brother-in-law had given to co-accused Kesho Das, as loan. Petitioners have clean antecedent. On these grounds, learned counsel for the petitioners seeks to release the petitioners on bail.

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

6. Having considered the rival submissions made on behalf of the parties as well as the fact that the present case has been lodged without any cogent reason, the petitioners are directed to be released on pre-arrest 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) each with two sureties of the like amount each to the satisfaction of learned Smt. Neha tripathi, J.M. Ist Class, Jamui/concerned court in connection with Chakai P.S.Case No.113 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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