

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59347 of 2023

Arising Out of PS. Case No.-352 Year-2023 Thana- NAUBATPUR District- Patna

1. Vijay Singh son of Late Deolal Singh
 2. Jailendra Kumar Singh son of Sri Vijay Singh
 3. Sahesh Kumar son of Sri Vijay Singh
 4. Rohit Kumar Singh @ Rohit Kumar @ Golu son of Sri Vijay Singh
- All are resident of Village- Hemanchak PS- Naubatpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-12-2023 Heard Ms. Vaishnavi Singh, learned counsel

 appearing on behalf of the petitioners and Mr. Ram Bilash Roy

 Raman, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection
with Naubatpur P.S. Case No. 352 of 2023 dated 23.05.2023
registered under Section 341, 323, 325, 307/34 of the Indian
Penal Code.

3. As per the allegation made in the FIR, the incident
took place on 19.05.2023 and the FIR was registered on
23.05.2023, in which the petitioners, with a common intention
to kill the informant inflicted on his head and they also assaulted
his nephew, namely, Banti Kumar, who had received injury on

the finger of his right hand and another victim, namely, Dinkar Kumar had also sustained injury. The cause of the aforesaid incident is plucking of mangoes allegedly from the orchard of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that the alleged incident took place due to plucking of the mangoes allegedly by the accused persons. The accused persons named in the FIR, had assaulted the informant and his nephew and other family members. In the said incident, the petitioners' side also sustained injury and they had filed FIR bearing Naubatpur P.S. Case No.343 of 2023 before the present FIR lodged against the petitioners.

5. Learned counsel further submitted that injuries received by the informant's side are simple in nature, as would appear from the impugned order. Petitioners have clean antecedent. There is case and counter case between the parties. It is further submitted that in course of fierce fight between the petitioners and the informant's side, the petitioners may have caused some injuries to the informant's side but the same was without intention.

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

7. Considering the rival submissions made on behalf of them, as well as, the fierce fight took place between them and there is case and counter case between the parties and also the injuries received by the informant's side are simple in nature, the petitioners, above named, 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 Additional Chief Judicial Magistrate-VI, Patna in connection with Naubatpur P.S. Case No. 352 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned 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.)

Chn/-
Ashishsingh/-

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