

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64429 of 2023

Arising Out of PS. Case No.-365 Year-2023 Thana- SAHPUR District- Patna

Akash Kumar son of Subhash Rai, aged about 24 years, Male, resident of
Village- Mathiyapur, P.S.- Shahpur District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manoranjan Kumar, Advocate
For the Opposite Party/s :	Mr. Piyush Saurav, Advocate
	Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 Heard Mr. Manoranjan Kumar, learned counsel
appearing on behalf of the petitioner; Mr. Piyush Saurav, learned
counsel appearing on behalf of the informant and Mr. Jai Narain
Thakur, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Shahpur P.S. Case No. 365 of 2023 registered for the
offence punishable under Sections 341, 323, 324, 307, 338, 379
and 504/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioner
along with other accused persons had assaulted the informant
and her son, due to which, they sustained injuries on their head.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner and informant are close



family relative and there is enmity due to land dispute. Case and counter case has been lodged by the respective parties with respect to the said incidence. He further submitted that injuries sustained by the informant and her son are simple in nature, which is evident from the impugned order. Petitioner may have caused some injuries to the informant and her son without any intention in his self defence. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the informant while opposing the bail application of the petitioner submitted that allegation is of repeated assault on the head of the informant and her son. Injury report is forged and manufactured one.

6. Learned APP for the State has supported the case of the informant.

7. Having considered the rival submissions made on behalf of the parties, as well as, allegation made in the FIR, it appears that due to land dispute, the parties had entered into fierce fight in which both the parties had sustained injuries. Petitioner may have caused some injury to the informant and her son without any intention in his self defence. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima*



facie, made out a case to be released on pre-arrest bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned J.M- 1st Class, Danapur, Patna, in connection with Shahpur P.S. Case No. 365 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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