

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63123 of 2022

Arising Out of PS. Case No.-441 Year-2022 Thana- BODHGAYA District- Gaya

1. RAUSHAN KUMAR Son of Pradeep Sharma R/V- Rajbar Tola Tali, P.S- Bodhgaya, Dist- Gaya
2. Rahul Kumar Son of Pradeep Sharma R/V- Rajbar Tola Tali, P.S- Bodhgaya, Dist- Gaya
3. Aditya Sharma Son of Muneshwar Thakur @ Muneshwar Sharma R/V- Rajbar Tola Tali, P.S- Bodhgaya, Dist- Gaya
4. Arvind Kumar Sharma @ Arvind Thakur Son of Rambilash Thakur @ Rambilash Sharma R/V- Rajbar Tola Tali, P.S- Bodhgaya, Dist- Gaya
5. Dinesh Kumar Son of Aditya Thakur @ Aditya Sharma R/V- Rajbar Tola Tali, P.S- Bodhgaya, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2023 Heard Mr. Mukesh Kumar, learned counsel

appearing on behalf of the petitioners and Mr. Md. Fahimuddin,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Bodhgaya P.S. Case No. 441 of 2022 registered for the
offence punishable under Sections 341, 323, 324, 337 and
308/34 of the Indian Penal Code.

3. Prosecution story, in brief, is that the informant and
the petitioners' side are neighbours and in course of negotiation,
the parties indulged in fierce fight and in course of the same,
both the parties sustained injuries.



4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners in their defence might have caused injury to the informant's side but that was unintentional. However considering the allegation, no ingredient is made out under Section 308 I.P.C. The injuries sustained by the informant are simple in nature.

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

6. Having considered the rival submissions of the parties and the fact that general and omnibus allegation has been levelled against the petitioners and the injuries sustained by the informant 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 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 A.C.J.M.-X, Gaya in connection with Bodhgaya P.S. Case No. 441 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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