

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71538 of 2023

Arising Out of PS. Case No.-309 Year-2023 Thana- NAVINAGAR District- Aurangabad

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1. KEDAR YADAV, Male, aged about 57 years, SON OF LATE CHALITAR YADAV
 2. PANKAJ KUMAR, Male, aged about 26 years, S/O KEDAR YADAV
 3. RAKESH KUMAR, Male, aged about 23 years, S/O KEDAR YADAV
 4. SHAMBHU YADAV, Male, aged about 62 years, S/O LATE RAM VILASH YADAV
 5. SANTOSH KUMAR @ SANTOSH KUMAR YADAV, Male, aged about 30 years, S/O SHAMBHU YADAV
 6. MANTOSH KUMAR, Male, aged 21 years, S/O SHAMBHU YADAV
 7. ANTOSH KUMAR, Male, aged about 19 years, S/O SHAMBHU YADAV
 8. AWADHESH YADAV, Male, aged about 50 years, S/O RAM VILASH YADAV
 9. DEEPAK KUMAR, Male, aged about 19 years, S/O AWADHESH YADAV
 10. DILIP KUMAR @ DILIP KUMAR YADAV, Male, aged about 24 years, S/O AWADHESH YADAV
- All are R/O VILLAGE- BAKTOWA, PS. NABINAGAR, DIST. AURANGABAD, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Dhaneshwar Prasad Gupta, learned counsel appearing on behalf of the petitioners and Mr. Chandra Bhushan Prasad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Nabinagar P.S. Case No. 309 of 2023 dated 24.07.2023



registered for the offence(s) punishable under Sections 147, 148, 149, 323, 324 and 307 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioners assaulted the informant and his son, as a result of which, they sustained injuries.

4. Learned counsel appearing on behalf of the petitioners submitted that there is case and counter case in between the parties and the case lodged by the petitioners' side has been registered prior to the present FIR on the same day, in which both the sides sustained injuries and in course of fierce fight, petitioners in their self-defence might have caused injury on the persons of the informant and his son.

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

6. Considering the nature of allegation, the petitioners are granted **provisional** 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad (Bihar) in connection with Nabinagar P.S. Case No. 309 of 2023, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C.

7. Further, the District Court is directed to call for the injury report and must examine the specific allegation made against all the ten petitioners, and if it is found that allegation is general and omnibus and injury is simple in nature, not attributable to any of the petitioners, the provisional bail granted to the petitioners shall be made absolute by the court below itself.

8. The above exercise must be carried by the District Court well within the period of six weeks.

(Purnendu Singh, J)

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