

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71632 of 2023

Arising Out of PS. Case No.-397 Year-2022 Thana- OBRA District- Aurangabad

1. Manish Kumar Son Of Vijay Singh Resident Of Village Jamuni Ps Obra Dist Aurangabad
2. Anshu Kumar Son Of Vijay Singh Resident Of Village Jamuni Ps Obra Dist Aurangabad
3. Chandan Kumar Son Of Vijay Singh Resident Of Village Jamuni Ps Obra Dist Aurangabad
4. Ramayan Singh Son Of Late Jokhan Singh Resident Of Village- Mithopur, Ps- Indrapuri, Dist- Rohtas
5. Lakshuman Singh Son Of Late Jokhan Singh Resident Of Village- Mithopur, Ps- Indrapuri, Dist- Rohtas
6. Vikendra Kumar @ Bikendra Singh @ Sikendra Singh Son Of Ramayan Singh Resident Of Village- Mithopur, Ps- Indrapuri, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-11-2023 Heard Mr. Bachan Jee Ojha, learned counsel

appearing on behalf of the petitioners and Mr. Amitesh Kumar,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Obra P.S. Case No. 397 of 2022 registered for the offence
punishable under Sections 147, 149, 341, 323, 324, 380, 448
and 436 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners



along with other accused persons had assaulted the daughter of the informant by means of pistol and knife, due to which, she had sustained injury on her nose and had snatched jewellery and Rs. 15,000/-. Specific allegation has been made against Manish Kumar, Chandan Kumar and Vijay Singh.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. He further submitted that both the parties had fierce fight and in course of their self defence, the petitioner may have caused some injury to the informant side. The petitioner side had also sustained injury in the said event. There is case and counter case between the parties instituted on the same day for the same incidence. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

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

6. Considering the nature of allegation made in the FIR, which has been lodged after delay on 08.10.2022 while the alleged incidence had taken place on 07.10.2022. Petitioner side had also lodged FIR two days before the incidence. It appears that party had entered into fierce fight due to enmity in which



both the parties had sustained injury. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. 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 six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Daud Nagar, Aurangabad, in connection with Obra P.S. Case No. 397 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. **The 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 lose its force automatically.**

(Purnendu Singh, J)

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