

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64971 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- SHANKARPUR District- Madhepura

Santosh Das @ Santosh Kumar Son of Becho Das Resident of village -
Kabiyahi, P.S.- Shankarpur, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-05-2023 The petitioner seeks pre-arrest bail in connection with Shankarpur P.S.Case No.58/2022, registered for the offences punishable under Sections 341, 323, 307, 379 & 504/34 of the Indian Penal Code.

Prosecution story, in brief, is that on 21.03.2022 at 4.00 P.M. in the evening, the accused persons including the petitioner with variously armed came at the home of informant Simpal Kumari and started abusing her. When the informant forbade to not to use abusive words, petitioner no.2, Becho Das ordered to kill the informant, co-accused Brajesh Das punched Simpal Kumari by catching hold of her hair and put her on the ground. When the family members of informant came to save her, co-accused Brajesh Das assaulted to Dinesh Das by means



of Dabiya causing injury at the head, petitioner no.5 Santosh Das assaulted with rod causing injury at the head of Jagarnath Das. There is also allegation of snatching a cash of Rs.10,000/- from the pocket of the husband of informant by accused persons. Land dispute is alleged as reason for the occurrence.

Learned counsel appearing on behalf of the petitioner submits that both sides were indulged into fierce fight and in course of the said quarrel, the informant's side sustained injury and the petitioner's side as well. There is case and counter case between the parties lodged by both the sides. Petitioner had lodged Shankarpur P.S. Case No.50 of 2022. It is further submitted that the informant had lodged the FIR after seven days of occurrence on 28.03.2022. Admittedly, there is land dispute between the parties. The Doctor has opined that the injury sustained by the victim Jagarnath Das is simple in nature and the same attributes to the petitioner as per impugned order. Petitioner has clean antecedent.

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

Having considered the rival submissions of the parties as well as on perusal of the FIR, it appears that the same has been lodged after delay of seven days on 28.03.2022 from the



date of occurrence on 21.03.2022 and admittedly, there is case and counter case between the parties as well as the injury is simple in nature, the petitioner 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.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Assistant Chief Judicial Magistrate 1st, Madhepura in connection with Shankarpur P.S.Case No.58/2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

