

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67002 of 2023

Arising Out of PS. Case No.-78 Year-2022 Thana- MOUZAHDIPUR District- Bhagalpur

1. Babloo Dom, Son Of Late Sonali Dom, R/O Mohalla- Mirjan Hat, Warsaliganj, P.S.-Mojahidpur, Dist.- Bhagalpur
2. Raja Dom @ Raja Mallik, Son Of Babloo Dom, R/O Mohalla- Mirjan Hat, Warsaliganj, P.S.-Mojahidpur, Dist.- Bhagalpur
3. Chhotu Dom @ Chhotu Kumar, Son Of Babloo Dom, R/O Mohalla- Mirjan Hat, Warsaliganj, P.S.-Mojahidpur, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2023 Heard Mr. Davendra Kumar Pandey, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mojahidpur P.S. Case No. 78 of 2022, registered for the offences punishable under Sections 341, 323, 324, 308, 354, 379, 504 and 34 of the Indian Penal Code.

3. It is alleged that on account of dispute as has been arisen due to quarrel amongst the children, the petitioners and one another co-accused person have assaulted the informant and his wife due to which they sustained serious injuries. It is also



alleged that the accused persons snatched the valuables and behaved indecently.

4. It is submitted on behalf of the petitioners that both the parties are agnates and so far the injuries sustained upon the informant is concerned, the same is found to be simple in nature, as would be evident from the impugned order. He next submitted that from the narration of the F.I.R. it is evident that on account of a trifle, a scuffle has taken place between the persons of both the sides resulting into some injuries, moreover, the allegation of snatching of valuables is ornamental in nature. That apart, the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the Court. He lastly submits on behalf of the petitioners that now the parties have also settled their dispute considering the allegations.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the simple nature of injury coupled with the fair antecedent of the petitioners and the relationship between the parties, let the petitioners above named be released on bail, in the event of their arrest or surrender



before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate XI, Bhagalpur in connection with Mojahidpur P.S. Case No. 78 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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