

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67263 of 2022

Arising Out of PS. Case No.-119 Year-2020 Thana- KALUAHI District- Madhubani

1. Sanjeet Yadav @ Sanjeet Kumar Yadav @ Sanjeet Son Of Kusesshwar Yadav
R/O Vill.- Kalikapur, P.S.- Kaluahi, Distt.- Madhubani
2. Manoj Yadav @ Manoj @ Manoj Kumar Yadav Son Of Late Dhanushdhari
Yadav R/O Vill.- Kalikapur, P.S.- Kaluahi, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 17-05-2023 The petitioners seek pre-arrest bail in connection with Kaluahi P.S.Case no.119/2020, registered for the offences punishable under Sections 143, 447, 341, 323, 324, 325, 354, 379, 504 of the Indian Penal Code and later on added Section 307 of the IPC on 16.10.2020.

As per the FIR, the accused persons including the petitioners surrounded the informant and assaulted the informant. One Sanjeev Yadav assaulted the informant with iron rod and when the father of the informant tried to save him, the accused persons including the petitioner assaulted the father, wife and brother Rajendra Yadav of the informant.

Learned counsel appearing on behalf of the petitioner



submits that as per the allegation made in the FIR, the petitioner assaulted the informant, Jay Prakash Yadav. The informant has also referred to the injury report and from perusal of the injury report, it appears that the forearm of the informant has been fractured. So far injury which has been sustained on the forehead of the informant is concerned, it is simple in nature, which has been caused without intention. It is admitted that both the parties were engaged in fierce fight and petitioner no.1 in his self-defence unintentionally assaulted the informant. So far petitioner no.2 is concerned there is no specific allegation in the FIR against him.

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

Considering the nature of allegation made in the FIR as well as the fact that the injury is due to fierce fight between the parties and there is case and counter case between the parties as well as in course of the self-defence of the petitioners, the informant may have sustained injury on the forehead, which is simple in nature, the petitioners 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 Smt. Swati Surendra, J.M. Ist, District Madhubani in connection with Kaluahi P.S.Case No.119/2020 dated 27.08.2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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