

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75162 of 2023

Arising Out of PS. Case No.-432 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

1. Kamalnayan Singh @ Golu S/O Satya Prakash Singh
2. Satya Prakash Singh S/O Late Tribhuan Singh
Both are resident of Village- Rajpur Jaunapur, P.S- Patori (Mohanpur O.P),
Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad,Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Ratneshwar Prasad, learned counsel

appearing on behalf of the petitioners and Mr. Ashok Kumar

Singh, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with

Patori (Mohanur O.P.) P.S.Case No.432 of 2023, registered for

the offences punishable under Sections 341, 323, 379, 447 &

307/34 of the Indian Penal Code.

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

no.2 was facing trial in connection with C.R.Case No.64/14,

T.R.No.548/22 (Kaikai Devi Vs. Tribhuvan Singh) and he

pressurized the informant to become hostile and in course of the

said incident, petitioner no.1 along with his father (petitioner



no.2) in a drunken state of mind assaulted upon the informant and the informant received injury on his left upper arm.

4. Learned counsel appearing on behalf of the petitioners submits that the allegation made in the FIR is false and fabricated and no such incident has taken place rather due to enmity with the petitioners, the informant may have received some injuries, which are simple in nature. On these grounds, the petitioners seek pre-arrest bail.

5. The record reveals that two criminal cases are pending against petitioner no.2 and the antecedent of petitioner no.1 is clean. On these grounds, learned APP for the State submits that two criminal cases, in which petitioner no.2 is involved, have also been lodged by the present informant and the petitioner no.2 is on bail. Further, the learned APP has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the nature of allegation made in the FIR as well as the past enmity between the petitioners and the informant and the injuries sustained by the informant, which are simple in nature, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned 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 Sri Shyam Sah, learned Judicial Magistrate 1st Class, Samastipur/concerned court in connection with Patori (Mohanpur O.P.) P.S.Case No.432 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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