

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9123 of 2024

Arising Out of PS. Case No.-395 Year-2023 Thana- NAWANAGAR District- Buxar

1. Md Arrif @ Appu Ansari Son of Munna Ansari @ Md. Mukhtar Alam
Resident of Village-Kesath, P.S.-Nawanagar, Distt.-Buxar
2. Md. Rustam Ali @ Lala Ansari Son of Mukhtar Ansari @ Md. Mukhtar Ali
Resident of Village-Kesath, P.S.-Nawanagar, Distt.-Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-02-2024 Heard Mr. Arvind Kumar Pradhan, learned counsel

appearing on behalf of the petitioners and Mr. Nagendra Prasad,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Nawanagar P.S. Case No. 395 of 2023 dated 19.10.2023
registered for the offence punishable under Sections 147, 148,
149, 341, 323, 325 and 307/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused
persons including the petitioners had assaulted the informant
due to which, fierce fight broke out and both the side had
sustained injury.

4. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner no. 1 is innocent. So far as petitioner no. 2 is concerned, specific allegation against him is that he had assaulted the informant causing injury, however, the same cannot be attributable to the petitioner no. 2 because at the time of free fight between the informant and the petitioner, they were surrounded by mob and the two group went unruly and in the same, the informant may have been injured. The informant and the petitioner, for the same incidence, have filed their respective FIR making similar allegation. 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, as well as, the fact that the informant and the petitioner for the same incidence have filed their respective FIR making similar allegation and in course of fierce fight, both the side had sustained injury and the same may have been caused in their self defence without intention. 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 four 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 C.J.M., Buxar, in connection with Nawanagar P.S. Case No. 395 of 2023 dated 19.10.2023, 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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