

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14409 of 2024

Arising Out of PS. Case No.-555 Year-2023 Thana- GHORASAHAN District- East
Champaran

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1. Bhola Prasad, aged about 62 Years, (M) Son of Late Darichhan Mahto
 2. Tuntun Prasad @ Tuntun Kumar, aged about 31 Years, (M) Son of Bhola Prasad.
 3. Ranjesh Prasad @ Ranjesh Kumar, aged about 33 years, (M) son of Bhola Prasad.
- All are residents of village- Pithwa, P.S.- Jharokhar, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-04-2024 Heard Mr. Abhishek Kumar, learned counsel

appearing on behalf of the petitioners and Mr. Nand Kishore

Prasad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Ghorasahan (Jharokhar) P.S. Case No. 555 of 2023,
registered for the offence punishable under Sections 341, 323,
308, 379, 504 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners
had assaulted the informant by means of *danda*, due to which,
the informant had sustained injury on the right side of his head
and had also snatched Rs. 10,000/- from the pocket of the



informant.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Both the parties are neighbour and there is land dispute between them with respect to pathway. There is case and counter case between the parties for the said incidence. The petitioners, in their self defence, may have caused some injury to the informant without intention. Petitioners have clean antecedent. 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 rival submissions made on behalf of the parties, as well as, the fact that both the parties are neighbour and there is land dispute between them with respect to pathway. There is case and counter case between the parties for the said incidence. The petitioners, in their self defence, may have caused some injury to the informant without intention. Petitioners have clean antecedent. 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 Additional Chief Judicial Magistrate-IIIrd, Sikrahna at Dhaka, East Champaran, in connection with Ghorasahan (Jharokhar) P.S. Case No. 555 of 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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