

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13643 of 2024

Arising Out of PS. Case No.-387 Year-2023 Thana- WARISNAGAR District- Samastipur

1. Pawan Sah, aged about 39 years, Male, Son of Raj Kumar Sah
 2. Ganesh Kumar, aged about 22 years, Male, Son of Pawan Sah
 3. Pappu Sah, aged about 25 years, Male, Son of Pawand Sah
- All are Resident of Village- Rampur Vishun, P.S. Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Thakur, Advocate

For the Opposite Party/s : Mr.Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-04-2024 Learned counsel appearing on behalf of the petitioners submits that petitioner no.3 has been arrested and, as such, he seeks to withdraw the present petition with respect to petitioner no.3.

2. Accordingly, the present petition is dismissed as withdrawn with respect to petitioner no.3.

3. Heard Mr. Mukesh Kumar Thakur, learned counsel appearing on behalf of the petitioners and Mr. Rajendra Singh Shastri, learned APP for the State.

4. The petitioners no.1 and 2 seek pre-arrest bail in connection with Warisnagar P.S. Case No. 387 of 2023 registered for the offence(s) punishable under Sections 147, 148,



341, 323, 324, 307, 354, 379, 504 and 506 of the Indian Penal Code.

5. As per the allegation made in the FIR, the accused persons named therein including the petitioners have assaulted the informant, her husband and her daughter, as a result of which, they sustained injuries.

6. Learned counsel appearing on behalf of the petitioners submitted that petitioners and informant are neighbours and there is case and counter case in between them for the same offence, in which, both the sides have sustained injuries and petitioners in their self-defence might have caused some injuries, which may be grievous in nature but not with an intention to kill them, as no repeated assault has been alleged in the FIR. Petitioners have clean antecedent.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

8. Considering the nature of allegation, as well as, the fact that both the parties are neighbours and there is case and counter case between them for the same offence, in which, both the sides sustained injuries and petitioners in their self-defence, without any intention, might have caused some injuries to the informant and her family members, the **petitioners no.1 and 2**,



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. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Samastipur in connection with Warisnagar P.S. Case No. 387 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. The bail application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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