

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27710 of 2024

Arising Out of PS. Case No.-473 Year-2019 Thana- TEKARI District- Gaya

-
1. Udal Yadav, Gender-Male, aged about 77 years, Son Of Nanhak Yadav
 2. Sonarwa Devi @ Sunaina Devi, Gender-Female, aged about 70 years, Wife of Udal Yadav
 3. Kiran Devi @ Rinku Devi, Gender-Female, aged about 35 years, Wife Of Awadhesh Yadav
- All are resident of Village - Balwapar, P.S - Tekari, District - Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Singh, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2024 Heard Mr. Ramakant Singh, learned counsel appearing on behalf of the petitioners and Mr. Jagdhar Prasad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Tekari P.S. Case No. 473 of 2019, registered for the offence punishable under Sections 323, 341, 342, 308, 504, 506 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners along with co-accused had entered into the house of the informant and had assaulted 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 agnates and due to dispute with respect to partition, a false case has been lodged against the petitioners. There is case and counter case between the parties arising out of the same 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 there is case and counter case between the parties arising out of the same 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 A.C.J.M-VI, Gaya, in connection with Tekari P.S. Case No. 473 of 2019, 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)

Niraj/-

U		T	
---	--	---	--

