

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26115 of 2024

Arising Out of PS. Case No.-598 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Arun Yadav Son Of Late Ganesh Yadav Resident Of Village- Samastipur, PS- Bakhtiyarpur, Dist- Saharsa
 2. Babloo Kumar @ Bablu Yadav Son Of Santlal Yadav Resident Of Village- Samastipur, PS- Bakhtiyarpur, Dist- Saharsa
 3. Ashok Yadav Son Of Late Sumrit Yadav Resident Of Village- Samastipur, PS- Bakhtiyarpur, Dist- Saharsa
 4. Suresh Yadav Son Of Santlal Yadav Resident Of Village- Samastipur, PS- Bakhtiyarpur, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-05-2024 Heard Mr. Madhav Jha, learned counsel appearing on behalf of the petitioners and Mr. Choubey Jawahar, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Simri Bakhtiyarpur P.S. Case No. 598 of 2022 registered under Sections 341, 323, 324, 307, 354, 379, 504, 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused persons named therein including the petitioner assaulted the informant and his family members, as a result of which, they



sustained injuries.

4. Learned counsel appearing on behalf of the petitioners submits that as per the allegation made in the FIR, altogether 7 persons, on the informant's side, sustained injuries and it has been recorded by the learned Sessions Judge in the impugned order that all the injuries, have been confirmed by the doctor, to be simple in nature, caused by hard and blunt substance. It is further submitted that due to a petty dispute, an altercation took place between the parties in which, petitioner in his self-defence, without any intention, may have caused some injury upon the informant and his family members. The petitioners have clean antecedent.

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

6. Having heard the rival submissions, as well as, having perused the allegation made in the FIR, it appears that all the accused persons may have caused some injuries on the informant's side, which is without any intention and in their self-defence. There is case and counter case between the parties. The 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 District Court is directed to release the petitioners on anticipatory 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 learned Chief Judicial Magistrate, Saharsa in connection with Simri Bakhtiyarpur P.S. Case No. 598 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The District Court 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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