

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27744 of 2024

Arising Out of PS. Case No.-768 Year-2023 Thana- BANKA District- Banka

1. Sujit Das, aged about-50 years, Male, Son of Makhan Das
2. Sunil Das @ Sunil Kumar Das, aged about 48 years, Male, Son of Makhan Das
3. Gourav Kumar Das @ Gairab Kumar, aged about-24 years, Male, Son of Sujit Das
4. Kartik Kumar, aged about-22 years, Male, Son Of Sunil Das
5. Sanjit Das @ Sanjit Kumar Das, aged about-35 years, Male, Son Of Makhan Das
6. Yogi Das @ Yogendra Kumar, aged about-19 years, Male, Son Of Sanjit Das,
7. Budhan Kumar Das @ Dhananjay Kumar @ Budhan Kumar, aged about-18 years, Male, Son Of Sujit Das
8. Laxmi Devi, aged about-30 years, Female, Wife Of Sanjit Das
All 1 to 8 are Resident Of Village- Karhariya, P.S.- Banka, District- Banka
9. Raj Bihari @ Rash Bihari Das @ Ras Bihari Harijan, aged about-35 years, Male, Son of Babulal Hairjan, Resident Of Village- Parharia, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2024 Heard Mr. Dhananjay Kumar Pandey, learned counsel appearing on behalf of the petitioners and Mr. Umeshanand Pandit, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Banka P.S. Case No. 768 of 2023, registered for the offence punishable under Sections 143, 149, 341, 323 and 308 of the



Indian Penal Code.

3. As per the allegation made in the FIR, due to dispute relating to passage, petitioners had assaulted the informant and his brother, due to which, they had sustained injuries.

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 agnate and there is admitted land dispute between the parties, due to which, fierce fight took place and petitioners, in their self defence, may have caused some injuries to the informant without intention. There is case and counter case between the parties arising out of the same incidence. 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 agnate and there is admitted land dispute between them, due to which, fierce fight took place and petitioners, in their self defence, may have caused some injuries to the informant without intention.



There is case and counter case between the parties arising out of the same incidence. 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 Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No. 768 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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