

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26267 of 2024

Arising Out of PS. Case No.-351 Year-2023 Thana- MAIRWAN District- Siwan

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1. Parmanand Patel Son Of Radhey Patel Resident Of Village - Bedauli, Police Station - Mairwa, District – Siwan.
 2. Bijay Patel @ Vijay Patel Son Of Lalbabu Patel Resident Of Village - Bedauli, Police Station - Mairwa, District – Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-05-2024 Heard Mr. Raghav Prasad, learned counsel appearing on behalf of the petitioners and Mr. Nand Kishore Prasad, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Mairwa P.S. Case No. 351 of 2023 registered under Section 147, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused persons named in the FIR including the petitioners on the occasion of Diwali festival assaulted the informant and his family members, as a result of which they sustained injuries.

4. Learned counsel appearing on behalf of the

petitioners submitted that there is case and counter-case, arising out of the same incidence. As per the opinion of the doctor, injuries sustained by the victim are simple in nature, while, the injury sustained by one Motichand Patel, who is from the petitioners' side, is grievous in nature. The petitioners have clean antecedent.

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

6. Considering the rival submission made on behalf of the parties, as well as, the fact that the injuries sustained by the victims are simple in nature and also the fact that 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 Additional Chief Judicial Magistrate – VII, Siwan in connection with Mairwa P.S. Case No. 351 of 2023, 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 injury report and 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.

Ashishsingh/-

(Purnendu Singh, J.)

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