

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27531 of 2024

Arising Out of PS. Case No.-691 Year-2023 Thana- BRAHMPUR District- Buxar

1. Shesh Nath Singh Son Of Late Panchanand Singh
2. Mukesh Yadav Son Of Late Umar Shankar Yadav
Both are resident Of Village- Chakani, Ps- Brahmpur Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate
For the Informant : Mr.Amit Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2024 Heard Mr. Ravi Shankar Pathak, learned counsel
appearing on behalf of the petitioners; Mr. Amit Kumar Pandey,
learned counsel for the Informant and Mr. Jitendra Kumar
Singh, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with
Brahmpur P.S.Case No.691 of 2023 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 307, 504
and 506 of the Indian Penal Code and Section 27 of the Arms
Act.

3. As per the allegation made in the FIR, 20-25
unknown persons surrounded the house of the informant and
forcibly took away one Dinesh Yadav, who was confined in the
house of the informant, and had also tried to snatch a



motorcycle and other articles on the eve of “*Godan Programme*” .

4. Learned counsel appearing on behalf of the petitioners submitted that the informant is co-villager and there is case and counter between the parties, in which the petitioners may have caused some injury to the informant side but they were neither involved in snatching of the motorcycle nor assembled along with the aforesaid 20-25 unknown accused persons, while they surrounded the house of the informant.

5. Mr. Amit Kumar Pandey, learned counsel has tendered his appearance on behalf of the informant and has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners on the ground that the petitioners are named in the FIR and they had tried to snatch the motorcycle of the informant, however, he admits that the petitioners were not members of the mob, who had assembled and had fired in the said occurrence and took away Dinesh Yadav..

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that Dinesh Yadav was allegedly confined in the house of the informant, which led to



fierce fight between the parties, the petitioners having not snatched the motorcycle and there is case and counter case between the parties, who are of the same village. I find it proper that petitioners have made out a case to be released on pre-arrest bail. The petitioners are directed to be released on pre-arrest 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 CJM, Buxar/concerned court, in connection with Brahmpur P.S.Case No.691 of 2023, subject to conditions 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 and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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