

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33871 of 2024

Arising Out of PS. Case No.-168 Year-2023 Thana- SARAIYA District- Muzaffarpur

Jageshwar Tiwari (M), aged about 41 years, Son of Late Mando Tiwari,
Resident of Village - Bahilwra Khormpur, P.S. - Saraiya, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-09-2024 Heard Mr. Vijay Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Ganesh Prasad Singh,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Saraiya P.S. Case No. 168 of 2023, registered for the
offence punishable under Sections 447, 341, 323, 324, 307, 504
and 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioner
along with other accused persons, had assaulted the informant
on the occasion of *Holi* festival.

4. Learned counsel appearing on behalf of the
petitioner submitted that on the occasion of *Holi* festival, while
the petitioner was playing colour with the informant had



sustained injury, who, himself, was in drunken condition. Both the parties are agnates and the allegation levelled against the petitioner is frivolous. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that it would appear from the impugned order that informant is still undergoing treatment at S.K.M.C.H, Muzaffarpur, and the injury being on the vital part of the body, the bail application of the petitioner is fit to be rejected.

6. Having considered the rival submission made on behalf of the parties, as well as, the fact that it is admitted by the petitioner that on the occasion of *Holi*, they were playing colour with each other and in the said course, the informant had sustained injury. From perusal of the impugned order, I find that learned District Court has not verified from the records, as to whether, the injury sustained by the informant is simple in nature, however, it has been recorded that the informant was undergoing treatment at S.K.M.C.H, Muzaffarpur, on 05.04.2023.

7. Learned District Court is directed to verify the injury report of the informant and if the injury sustained by the



informant found to be simple in nature, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- IV (West), Muzaffarpur, in connection with Saraiya P.S. Case No. 168 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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