

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41500 of 2024

Arising Out of PS. Case No.-413 Year-2023 Thana- NAVINAGAR District- Aurangabad

1. Anshu Kumar, Son of Siyaram Singh alias Hareram Singh, Resident of Village - Bilaspur, P.S.- Nabinagar, District - Aurangabad.
2. Raushan Kumar, Son of Jayram Singh, Resident of Village - Bilaspur, P.S.- Nabinagar, District - Aurangabad.
3. Hareram Singh alias Siyaram Singh, Son of Late Hardev Singh, Resident of Village - Bilaspur, P.S.- Nabinagar, District - Aurangabad.
4. Nitesh Kumar alias Ritesh Kumar alias Nitish Kumar Singh, Son of Manoj Singh, Resident of Village - Maniyaradih, P.S.- Nabinagar, District - Aurangabad
5. Ravi Kumar, Son of Jay Kishor Singh, Resident of Village - Mahi Bigha, P.S.- Nabinagar, District - Aurangabad
6. Suraj Kumar, Son of Akhilesh Singh, Resident of Village - Maniyaradih, P.S.- Nabinagar, District - Aurangabad
7. Lav Kush Kumar, Son of Brijbihari Singh, Resident of Village - Sonpura, P.S.- Nabinagar, District - Aurangabad
8. Golu Kumar, Son of Laxman Prasad, Resident of Village - Sonpura, P.S.- Nabinagar, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pramendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 25-10-2024 Heard Mr. Pramendra Kumar Singh, learned counsel
appearing on behalf of the petitioners and Mr. Satya Nand



Shukla, learned APP appearing on behalf of the State.

2. At the very outset, learned counsel appearing on behalf of the petitioners submits that due to inadvertence name of one of the petitioners (petitioner no.5) namely Ravi Kumar, who has already been released on pre-arrest bail by this Court vide order dated 24.04.2024 passed in Cr. Misc. No.25542 of 2024, is also appearing in the cause title of the present bail application and the same is required to be deleted and he restrains to press bail on his (petitioner no.5) behalf.

3. Permission is accorded.

4. The petitioner nos.1, 2, 3, 4, 6, 7 and 8 apprehend their arrest in connection with Nabinagar P.S. Case No. 413 of 2023 registered under Sections 147, 148, 149, 323, 325, 427, 448, 337, 504, 506 and 120(b) of the Indian Penal Code and 27 of the Arms Act.

5. As per the allegation made in the FIR, two groups on the occasion of *Durga Puja* festival had entered into fierce fight and the petitioners assaulted the informant, due to which the informant sustained injuries.

6. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. Learned counsel



further submits that there is case and counter case between the parties and the first case has been lodged by the petitioners bearing Nabinagar P.S. Case No.411 of 2023 against the informant and in self-defence, the petitioners may have caused some injury to the informant. Injury report is not available on the record. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on pre-arrest bail.

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

8. Considering the rival submissions made on behalf of the parties, as well as, the fact that there is case and counter case between the parties and in self-defence, the petitioners may have caused some injury to the informant 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.

9. The learned District Court is directed to release the petitioner nos.1, 2, 3, 4, 6, 7 and 8 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, Aurangabad, District- Aurangabad in connection with Nabinagar P.S. Case No. 413 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The learned District Court is directed to verify the criminal antecedent of the petitioner nos.1, 2, 3, 4, 6, 7 and 8, 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.)

Ashishsingh/-

U		T	
---	--	---	--

