

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37751 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- JHAJHA District- Jamui

1. Devendra Kumar Yadav @ Devendra Yadav S/o Bhola Yadav R/o vill - Mahapur, P.S. - Jhajha, Distt. - Jamui
2. Jamuni Devi W/o Bhola Yadav R/o vill - Mahapur, P.S. - Jhajha, Distt. - Jamui
3. Indu Devi W/o Rajesh Kumar Yadav R/o vill - Mahapur, P.S. - Jhajha, Distt. - Jamui
4. Bhola Yadav @ Bholi Yadav S/o Late Darogi Yadav R/o vill - Mahapur, P.S. - Jhajha, Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Raj, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-06-2024 Heard Mr. Akash Raj, learned counsel appearing on behalf of the petitioners and Mr. Shailendra Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Jhajha P.S. Case No. 377 of 2023, registered for the offence punishable under Sections 341, 323, 354, 379, 308, 504 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, goat of the petitioner no. 4 had entered into the house of the informant and had consumed wheat, which led to the alleged incidence.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. He further submitted that there is case and counter case between the parties arising out of the same incidence. Wife of the petitioner no. 4 was brutally assaulted by the informant side and both the parties entered into fierce fight, in which, the petitioner may have caused some injury on the person of the informant and informant side without any intention. 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 there is case and counter case between the parties arising out of the same incidence. Wife of the petitioner no. 4 was brutally assaulted by the informant side and both the parties entered into fierce fight, in which, the petitioner may have caused some injury on the person of the informant and informant side without any intention. 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 C.J.M. Jamui , in connection with Jhajha P.S. Case No. 377 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)

Niraj/-

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

