

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42468 of 2024

Arising Out of PS. Case No.-893 Year-2020 Thana- MADHEPURA District- Madhepura

1. Santosh Kumar @ Santosh Yadav S/O Jagdeesh Yadav R/O Village Chikhautwa. Ward No.07, P.S.Ghailarh, Distt-Madhepura
2. Jagdeesh Yadav @ Jagdesh Yadav S/O Late Chhabu Yadav R/O Village Chikhautwa. Ward No.07, P.S.Ghailarh, Distt-Madhepura
3. Sanjeev Kumar @ Sanjeev Kumar Sajan R/O Village Jhanjharpur(Jhakhrehi), P.S. Supaul, Distt-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajit Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-07-2024 Heard Mr. Sanjay Kumar Singh, learned counsel
appearing on behalf of the petitioners and Mr. Ajit Kumar,
learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Madhepura (Ghailarh O.P.) P.S. Case No. 839 of 2020
registered for the offence punishable under Sections 341, 447,
323, 307, 354(B), 506 and 34 of the Indian Penal Code.

3. As per allegation made in the F.I.R, both the parties
have alleged against each other for causing hurt to the she goat
belonging to them and in the said course, they indulged into
fierce fight.



4. Learned counsel appearing on behalf of the petitioners submitted that the petitioner no. 2 had assaulted the informant on his hand but the injury is simple in nature, petitioner no. 1 had assaulted one Mala Devi with Farsa and the injury is simple in nature and petitioner no. 3 had assaulted one Matar Yadav with lathi, causing simple injury.

5. Mr. Ajit Kumar Yadav, learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties as well as the nature of allegation made against the petitioner nos. 2 and 3, I am of the opinion that they have made a case to be released on pre-arrest bail, the injury being simple in nature, petitioner nos. 2(Jagdeesh Yadav) & 3(Sanjeev Kumar) are directed to be released on pre arrest bail, in the event of his arrest or surrender before the 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 to the satisfaction of learned J.M. 1st Class, Madhepura in connection with Madhepura (Ghailarh) P.S. Case No. 893 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. So far as petitioner no. 1(Santosh Kumar) is



concerned, he had assaulted with Farsa on the head of Mala Devi, which is vital part of the body, I am not inclined to enlarge on pre-arrest bail, however, petitioner no. 1 if so advised may surrender before the District Court and on the same day, the District Court considering the materials on record including the injury report may pass a reasoned order.

8. With the above observation/direction, the present bail application stands disposed off.

(Purnendu Singh, J)

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