

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42315 of 2024

Arising Out of PS. Case No.-99 Year-2024 Thana- MADHAURAH District- Saran

1.

Tarkeshwar Rai @ Bhuar Rai @ Rajeshwar Rai Son Of Late Daroga Rai Village- Olhanpur, Chakdara Ward No. 2, P.S.- Marhowrah, Distt.- Saran
2.

Sita Devi W/O- Videshi Rai Village- Olhanpur, Chakdara Ward No. 2, P.S.- Marhowrah, Distt.- Saran
3.

Fuleshwari Devi @ Fuleshwar Devi @ Fuleshwsar Devi, W/O- Dinesh Rai Village- Olhanpur, Chakdara Ward No. 2, P.S.- Marhowrah, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

210-07-2024

Heard Mr. Ravi Prakash, learned counsel appearing on behalf of the petitioners and Mr. Ahmad Ali, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Marhowarh P.S. Case No. 99 of 2024 registered under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused persons, including the petitioners, had assaulted the informant due to which, he had sustained injuries on different parts of his body, including his head and chest, which are vital parts and accused persons had also snatched a sum of Rs.2500/- from the pocket of informant.

4. Learned counsel appearing on behalf of the petitioners submits that allegation against the petitioner nos.2

and 3 is general and omnibus in nature, whereas, specific allegation has been made against the petitioner no.1 that he alongwith one Chandan Kumar, had assaulted the informant with bat and iron rod, due to which, the informant had sustained injuries on the head and different parts of his body. Both the parties are agnates and due to land dispute, the petitioners have been implicated in a false case. The petitioners have clean antecedent. On these grounds, petitioners seek to be released on 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 allegation against petitioner nos.2 and 3 is simple in nature and the petitioner no.1, alongwith one co-accused Chandan Kumar, had assaulted the informant due to which informant had sustained injuries on different parts of the body, including the vital parts, I am of the opinion that petitioner nos.2 and 3 have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner nos.2 and 3 are directed to be released 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, Saran at Chapra in connection with Marhowarh P.S. Case No. 99 of 2024, 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 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.

9. So far as, petitioner no.1 is concerned, I am not inclined to grant pre-arrest bail to the petitioner no.1, however, he may surrender before the learned District Court and seek regular bail and the learned District Court is directed to pass a reasoned order on the basis of material available on record, in course of investigation, in accordance with the law, same day.

10. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J.)

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