

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42632 of 2024

Arising Out of PS. Case No.-476 Year-2022 Thana- JOGAPATTI District- West Champaran

1. Haridaya Prasad @ Abhishek Prasad, about 28Y/M, SON OF Dukhi Mahto
2. RABINDRA PRASAD, about 24 Y/M, SON OF SRI DUKHI MAHTO
Both are residents of VILLAGE- CHORAH SIRISYA, WARD NO. 01, PS-
JOGAPATTI, DIST- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate Mr. Hemant Ray, Advocate Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-07-2024 Heard Mr. Umesh Chandra Verma along with Mr. Mr.

Hemant Ray and Mr. Sharad Kumar Verma, learned counsels
appearing on behalf of the petitioners and Mr. Arun Kumar
Pandey, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Jogapatti P.S. Case No. 476 of 2022 registered for the
offence(s) punishable under Sections 341, 323, 324, 307, 354,
379, 504, 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners
along with other co-accused persons assaulted the informant
causing injury on the head and other part of his body.

4. Learned counsel appearing on behalf of the



petitioners submitted that so far as petitioner no.1 is concerned, allegation is that of causing injury on the head of the informant, which is vital part of the body but in absence of any injury report, the petitioner is entitled to be released on bail. He further submitted that so far as petitioner no.2 is concerned, allegation is that of causing injury on right hand of the informant caused by sharp edged weapon which is not the vital part of the body. It is further submitted that petitioners and informant are agnates and there is a long standing land dispute between them. Petitioners have clean antecedent. On these grounds, learned counsel submits that petitioners deserve to be released on bail.

5. 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 and also the fact that a long standing land dispute is pending between the parties and enmity between them is also admitted and allegation against petitioner no.1 is that of assaulting the informant, causing head injury, **I am not inclined to enlarge the petitioner no.1 on pre-arrest bail.**

7. However, the petitioner no.1, if so advised, may surrender before the District Court and seek regular bail. In that case, the District Court is directed to consider the bail



application of the petitioner no.1 on the same day and pass necessary order on the basis of material which has come in course of investigation without delay.

8. So far as petitioner no.2 is concerned, the allegation against him is of causing injury on right hand of the informant, which is not the vital part of the body, and as such, **the petitioner no.2, above named, is directed to be released on pre-arrest bail**, in the event of his arrest or surrender bsefore the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Jogapatti P.S. Case No. 476 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. With aforesaid observation and direction, the bail application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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