

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49294 of 2024

Arising Out of PS. Case No.-306 Year-2023 Thana- LAHERIYASARAI District- Darbhanga

Rahul Bhagat @ Rahul Kumar S/O Pramod Bhagat R/O Mohalla- Madarpur,
P.S- Laheriasarai, Distt.- Darbhanga.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-10-2024 Heard Mr. Baidyanath Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Md. Mushtaque
Alam, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Laheriasarai P.S. Case No. 306 of 2023 registered under
Section(s) 341, 323, 308, 379, 427, 504, 506 and 34 of the
Indian Penal Code.

3. As per the allegation made in the FIR, the accused
named therein, including the petitioner, have assaulted the
informant with a common intention to kill him, as a result of
which he sustained injury on his nose.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is innocent and he has falsely
been implicated in the present case due to land dispute. Learned



counsel further submits that the injury is not on the vital part of the body. There is case and counter case between the parties, arising out of the same incident. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail by submitting that the injury sustained on the nose of the informant is grievous in nature and same is vital part of the body, as such, the petitioner don't deserve to be released on pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the nature of allegation made in the FIR and also considering the fact that there is case and counter case between the parties, arising out of the same incident, in which the son of the petitioner was brutally assaulted, another similarly situated person has also been granted pre-arrest bail vide order dated 07.08.2024 passed in Cr. Misc. No.47353 of 2024, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or



surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned J.M.-Ist Class, Darbhanga in connection with Laheriasarai P.S. Case No. 306 of 2023, 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 petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

Chn/-
Ashishsingh/-

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