

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51921 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

1. Binod Kumar Prajapati @ Binod Prajapati, Male, aged about 30 years.
2. Manoj Kumar Prajapat @ Manoj Kumar, Male, aged about 35 years, Both of Son of Late Shambhu Prajapti, Resident of Village- Banarpur, P.S.- Buxar (Muffashil), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari, Advocate
For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-08-2024 Heard Ms. Dimpal Kumari, learned counsel

appearing on behalf of the petitioners and Mr. Bharat Lal,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Buxar (Muffashil) P.S. Case No. 107 of 2024, registered
for the offence punishable under Sections 341, 323, 308, 504,
506, 34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. As per the allegation made in the FIR, all the
accused persons including the petitioners, had entered into the
house of the informant and assaulted the informant and his
father brutally. Specific allegation of assault is against one



Munna @ Sanjay Kumar Prajapati and Moti Yadav, who had opened fire upon the informant.

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 specific allegation against the petitioner no. 1 is that of assaulting the informant and his father by means of *lathi* on different part of the body, however, injuries sustained by the informant and his father, are simple in nature and not on the vital part of the body. So far as, petitioner no. 2 is concerned, general and omnibus allegation has been levelled against him. Petitioners have clean antecedent. 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 allegation against the petitioner no. 1 is that of assaulting the informant and his father by means of *lathi* on different part of the body, however, injuries sustained by the informant and his father, are simple in nature and not on the vital part of the body. So far as, petitioner no. 2 is concerned, general and omnibus allegation has been levelled



against him. Petitioners have clean antecedent. 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 learned District Court 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., Buxar, in connection with Buxar (Muffashil) P.S. Case No. 107 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. **The 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.**

(Purnendu Singh, J)

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