

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52024 of 2024

Arising Out of PS. Case No.-165 Year-2021 Thana- BASANTPUR District- Siwan

1. Bikas Sah @ Vikash Kumar, son of Ramlayak Sah, R/o- Kanhauli, Po- Hussainpurnand, PS- Basantpur, Dist- Siwan
2. Bidya Sah @ Vidya Sah, son of Daroga Sah, R/o- Kanhauli Po- Hussainpurnand, PS- Basantpur, Dist- Siwan
3. Kundan Kumar, son of Hirdiya Sah @ Hidya Sah, R/o- Kanhauli Po- Hussainpurnand, PS- Basantpur, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Abhigyan, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-08-2024 Heard Mr. Abhijeet Abhigyan, learned counsel
appearing on behalf of the petitioners and Ms. Suman Kumari
Singh, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection
with Basantpur P.S. Case No. 165 of 2021 registered under
Sections 341, 323, 324, 307, 325, 379, 427, 504 and 34 of the
Indian Penal Code.

3. As per the allegation made in the FIR, all the
accused persons, including the petitioners, had assaulted the
informant, his father and his brother causing injuries on
different parts of their body.



4. Mr. Abhijeet Abhigyan, learned counsel appearing on behalf of the petitioners submitted that so far as, the petitioner no.1 is concerned, allegation against him is that he had assaulted the informant on his head with an intention to kill although the injury is simple in nature. So far as, allegation against the petitioner nos.2 and 3 are concerned, the same is general and omnibus in nature. The petitioners have clean antecedent. Learned counsel further submitted that case and counter case have been filed between the parties arising out of the same incidence. 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 nature of allegation made in the FIR against the petitioner no.1, I am not inclined to enlarge him on pre-arrest bail, however, if the petitioner no.1 so advised, he may surrender before the learned District Court and the learned District Court shall consider his regular bail application on the same day, considering the nature of injuries to be simple in nature and number of injuries sustained by the informant on his head, if the learned District Court finds that no repeated blow has been caused then on the basis of evidence, the learned



District Court may consider the bail application on merits.

7. So far as, petitioner nos.2 and 3 are concerned, the nature of allegation made against them is general and omnibus in nature, 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. The learned District Court is directed to release the petitioner nos.2 and 3 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, Siwan in connection with Basantpur P.S. Case No. 165 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. With the aforesaid direction/observation, the present pre-arrest bail application stands disposed of.

(Purnendu Singh, J.)

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