

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52474 of 2024

Arising Out of PS. Case No.-145 Year-2024 Thana- BUXAR MUFFASIL District- Buxar

1. Rajesh Mourya, S/O Chalhaku Mourya, R/O Village- Pawari, P.S- Buxar Muffasil, Dist.- Buxar.
2. Narendra Mourya, S/O Chalhaku Mourya, R/O Village- Pawari, P.S- Buxar Muffasil, Dist.- Buxar.
3. Daya Shankar Mourya, S/O Chalhaku Mourya, R/O Village- Pawari, P.S- Buxar Muffasil, Dist.- Buxar.
4. Teznarayan Singh @ Tejnarayan Singh, S/O Lakshman Singh @ Lakshuman Singh, R/O, Village- Pawari, P.S- Buxar Muffasil, Dist.- Buxar.
5. Dinesh Singh, S/O Lakshman Singh @ Lakshuman Singh, R/O Village- Pawari, P.S- Buxar Muffasil, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Pathak, Advocate
For the Informant	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-08-2024 Heard Mr. Ravi Shankar Pathak, learned counsel appearing on behalf of the petitioners, Mr. Abhishek Kumar, learned counsel appearing on behalf of the Informant and Mr. Ajit Kumar, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Buxar (Muffasil) P.S. Case No. 145 of 2024 registered under Sections 341, 323, 307, 337, 379, 504, 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the



petitioners, along with other co-accused, had assaulted the informant and his family members, causing injuries. Specific allegation is against petitioner no.4 i.e. Teznarayan Singh that he had assaulted on the head of the informant causing head injury, with an intention to kill and he had earlier also given such threatening to the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. A general and omnibus allegation has been levelled against the petitioner nos.1, 2, 3 and 5. So far as, the petitioner no.4 is concerned due to previous enmity, the petitioner no.4 had caught hold and over-powered the informant by holding his neck, due to which the informant fell down, thereafter, the petitioner no.4 assaulted the informant by means of axe on his head, causing injury to informant. Learned counsel further submitted that there is only one head injury caused to the informant and the same is found to be simple in nature. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on bail.

5. Mr. Abhishek Kumar, learned counsel has tendered his appearance on behalf of the informant and submitted that petitioner no.4 was on inimical terms with the informant and on



previous occasions, he had threatened the informant of dire consequences and also threatened to kill him and on the date of alleged occurrence, he had assaulted the informant on his head and other co-accused had assaulted the family members of the informant. He had admitted that there is case and counter case arising out of the said incidence.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the rival submissions, as well as, the fact that the no specific allegation has been made against the petitioner nos.1, 2, 3 and 5 and general and omnibus allegation has been levelled against them, I am of the opinion that petitioner nos.1, 2, 3 and 5 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.1, 2, 3 and 5 on anticipatory 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. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Muffasil) P.S. Case No. 145 of 2024, subject to the condition as laid down under Section 438(2) of



the Cr.P.C.

8. So far as, the petitioner no.4 is concerned, the allegation against him is that of causing head injury by means of hard and blunt substance, on the right temporal region, which is substantiated from the Impugned Order, I am not inclined to enlarge the petitioner no.4 on pre-arrest bail, however, the petitioner no.4, if so advised, may surrender before the learned District Court and seek regular bail. The learned District Court is directed to hear the regular bail application of the petitioner no.4 on the same day and pass a reasoned order, on the basis of material available on records, as well as, the injury report.

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

(Purnendu Singh, J.)

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