

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55321 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- SAHEBPUR KAMAL District-
Begusarai

Md. Nisar Son of Late Md. Sattar Resident of Village - Kurha Pathan Toli,
Ward No.- 14, P.S.- Shebpur Kamal, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Advocate.
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 26-10-2024 Heard Mr. Amar Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Sanjay Kumar
Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with S. Kamal P.S. Case No. 109 of 2024 registered for the
offence punishable under Sections 147, 341, 323, 307, 379 and
504 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., the
petitioner along with co-accused Shahansha and other accused
persons assaulted the brother of the informant by means of butt
of the pistol and iron rod. Specific allegation against the
petitioner is that he assaulted with the butt of the pistol and co-
accused Shahansha assaulted on head of the brother of the



informant by means of iron rod.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has committed no offence as alleged in the F.I.R. There is land dispute between the parties. Learned counsel submitted that injury is one, however, grievous in nature, but the same cannot be attributable to the petitioner, as general and omnibus allegation has been levelled against the petitioner that he assaulted by means of butt of the pistol and specific allegation has been levelled against the co-accused Shahansha that he assaulted on the head by means of iron rod. There is case and counter case.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation made against the petitioner and the injury sustained by the victim is not attributable to the petitioner, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below 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 ACJM-IV, Begusarai in connection with S.



Kamal P.S. Case No. 109 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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