

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55730 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- KONCH District- Gaya

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1. Nagendra Kumar Mistry @ Nagendra Kumar S/o Mahesh Mistry
 2. Gudiya Devi @ Gudiya Kumari W/o Yugendra Mistry
 3. Madhu Devi W/o Mahesh Mistry @ Mahesh Mistry
 4. Sunita Devi W/o Umesh Mistry
- All residents of Village- Singhara, P.S- Konch, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 31-08-2024 Heard Mr. Aryan Singh, learned counsel appearing on behalf of the petitioners and Mr. Ashok Kumar Singh, learned APP for the State.

2. Petitioners seeks pre-arrest bail in connection with Konch P.S.Case No.69 of 2024, registered for the offences punishable under Sections 341, 323, 325, 307, 504 and 506/34 of the Indian Penal Code .

3. As per the allegation made in the FIR, all the accused persons including the petitioner had assaulted the informant and her other family members causing them injury on different parts of their body, as well as, on their vital part like



head with an intention to kill them.

4. Learned counsel appearing on behalf of the petitioners submitted that there is general and omnibus allegation against the petitioners no.2, 3 and 4, while specific allegation is against petitioner no.1 that he had misbehaved with the informant's female family members. Learned counsel further referring to the FIR filed by the petitioner side submitted that the incident took place on 04.02.2024, FIR has been lodged on 11.02.2024 whereas the distance of the police station from the place of occurrence is only 16 Kms. The petitioners and the informant are neighbour.

5. Learned counsel further submitted that the father of petitioner no.1 had lodged an FIR against the informant and her other family members and thereafter, the present FIR has been lodged after delay of 7 days by the informant. It is admitted that both the sides have indulged into fierce fight and in the said incident, the petitioners may have caused some injuries on the body of the informant and her other family members without any intention to kill them.

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

7. Having considered the rival submissions made on



behalf of the parties, as well as, there is general and omnibus allegation against them and they have made out a case to be released on pre-arrest bail, the petitioners no.2, 3 and 4 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.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya/concerned court in connection with Konch P.S.Case No.69 of 2024, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

8. So far as petitioner no.1 (Nagendra Kumar Mistry @ Nagendra Kumar) is concerned, I am not inclined to enlarge the petitioner on pr-arrest bail considering the specific allegation against him that he has outraged the modesty of the female family members, as well as, assaulted the informant on her head causing injury.

9. The learned district court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.



10. With the above observation/direction, the present
bail application stands disposed of.

(Purnendu Singh, J)

Chn/durgesh

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