

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55796 of 2024

Arising Out of PS. Case No.-221 Year-2023 Thana- DELHA District- Gaya

1. Parwati Devi W/o- Rajesh Choudhary, Mohalla- Ander Bairagi Central School Gate No.1, P.S. Delha, Dist- Gaya
2. Rinki Devi wife of Sikandar Chudhary, Mohalla- Ander Bairagi Central School Gate No.1, P.S. Delha, Dist- Gaya
3. Rina Devi wife of Dharmendra Kumar @ Dharmendra Choudhary, Mohalla- Ander Bairagi Central School Gate No.1, P.S. Delha, Dist- Gaya
4. Bhola Kumar @ Dhananjay Kumar son of Dharmendra Kumar @ Dharmendra Choudhary, Mohalla- Ander Bairagi Central School Gate No.1, P.S. Delha, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-08-2024 Heard Mr. Dharmendra Kumar Sinha, learned counsel appearing on behalf of the petitioners and Mr. Pranav Kumar, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Delha P.S. Case No. 221 of 2023 registered under Section(s) 341, 323, 324, 379, 307, 504, 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the accused persons, including the petitioners, all of a sudden started assaulting the informant and his family members, due to



which, son of the informant had sustained head injury.

4. Learned counsel appearing on behalf of the petitioners submitted that when the informant was walking along with her dog, the son of the petitioner no.1, without intention, hit the dog of the informant and that led to fierce fight between the parties. There is case and counter case between the parties and the first case has been lodged by the petitioner no.1 bearing Delha P.S. Case No.220 of 2023 against the informant. The petitioners have clean antecedent. On these grounds, the 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, as well as, the same being general and omnibus in nature and there is case and counter case lodged between the parties, for the same incidence and injuries caused are simple in nature, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioners 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, Gaya in connection with Delha P.S. Case No. 221 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned 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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