

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65127 of 2024

Arising Out of PS. Case No.-162 Year-2020 Thana- BIHRA District- Saharsa

1. Aman Kumar Yadav @ Raben Yadav @ Raben Kumar, Son of Mahadeo Yadav, Resident of Village- Nandlali, P.S.- Bihar, Distt.- Saharsa.
2. Pushkar Kumar @ Pustak Kumar, Son of Mahadeo Yadav, Resident of Village- Nandlali, P.S.- Bihar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Satish Kumar Singh, Advocate Mr. Dinesh Maharaj, Advocate
For the State	:	Mr. Anant Kumar 1, APP
For the Informant	:	Mr. Kuldeep Kumar, Advocate Mr. Dhiresk Kumar Dhiraj, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 13-12-2024 Heard Mr. Yogesh Chandra Verma, learned Senior Advocate, along with Mr. Satish Kumar Singh and Mr. Dinesh Maharaj, learned counsels appearing on behalf of the petitioner no.2; Mr. Anant Kumar 1 learned APP for the State and Mr. Kuldeep Kumar, along with Mr. Dhiresk Kumar Dhiraj, learned counsels for the Informant.

2. The petitioner no.2 seeks pre-arrest bail in connection with Bihra P.S. Case No. 162/2020 registered for the offence(s) punishable under Sections 447, 341, 448, 323, 324, 307, 379, 429, 504, 354(A)/34 of the Indian Penal Code and Section 9/11 of Prevention of Cruelty to Animals Act, 1960.



3. As per the allegation made in the FIR, all the accused persons, including the petitioner no.2, had assaulted the informant and her family members, with an intention to kill them, on different parts of the body.

4. Learned counsel appearing on behalf of the petitioner no.2 submitted that over a trivial issue, the petitioner no.2's side and the informant's side entered into fierce fight and during the same course, informant has sustained injuries attributable to the petitioner no.2. The injury no.1, sustained by the informant, is simple in nature, whereas, injury no.2 sustained by the informant between sharp and index finger, is found to be grievous but the same is not on the vital part of the body and injury on head is simple in nature. He further submitted that the Investigating Officer, after holding proper inquiry, has submitted the final form and there was no apprehension of arrest, considering the fact that the FIR was lodged in the year 2020.

5. Mr. Kuldip Kumar, learned counsel, has tendered his appearance on behalf of the informant and has submitted that so far as, the petitioner no.2 is concerned, there is a direct allegation against him that he had assaulted the informant on the back of her head and repeated the assault, which caused head



injury and injury on the index finger of the informant.

6. Learned APP for the State has supported the allegation made in the FIR and has vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the grievous injury sustained by the informant is not on the vital part of the body and the injury on head is simple in nature, I am of the opinion that petitioner no.2 has, prima facie, made out a case to be released on pre-arrest bail.

8. The petitioner no.2, above named, is directed to be released on pre-arrest bail in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bihra P.S. Case No. 162/2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner no.2, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner no.2, as what has been stated



in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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