

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80328 of 2024

Arising Out of PS. Case No.-71 Year-2023 Thana- KURTHA District- Jehanabad

1. Gunjan Kumar @ Gunjan Mishra @ Gunjan Kumar Mishra, Gender, Male, aged about 35 years, S/O Sri Madhusudan Mishra, Resident Of Village- Gram Nayan Sukh Bigha, P.S- Kurtha Khemkaran Saray, Distt.- Arwal, Bihar.
2. Gaurav Kumar, Gender Male, aged about 24 years, S/O Sri Sanjay Kumar Mishr, Resident Of Village- Gram Nayan Sukh Bigha, P.S- Kurtha Khemkaran Saray, Distt.- Arwal, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shivalika Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 04-12-2024 Heard Mr. Shivalika Sinha, learned counsel
appearing on behalf of the petitioners and Mr. Ajeet Kumar
learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Kurtha P.S. Case No. 71/2023 registered for the offence(s)
punishable under Sections 323, 341, 308, 354, 379, 452, 504 &
506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners
along with other co-accused persons entered into the house of
the informant and assaulted the informant and her family
members and the accused persons also tried to outrage the



modesty of the daughter-in-law of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. There is case and counter case between the parties as petitioner no.2 lodged FIR bearing Kurtha P.S. Case No.69 of 2023 dated 09.03.2023. He further submitted that almost for the similar incidence, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injury on the persons of the informant and her family members without intention. So far as outraging the modesty of the female member is concerned, the same is fabricated and concocted. Petitioners have clean antecedents.

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 and also the fact that there is case and counter case between the parties and petitioners have clean antecedents, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal in connection with Kurtha P.S. Case No. 71/2023 , subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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