

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79888 of 2024

Arising Out of PS. Case No.-66 Year-2023 Thana- TETERHAT District- Lakhisarai

1. Neera Devi, (Female), aged about 40 years, wife of Sikandar Ram.
2. Sikandar Ram (Male), aged about 45 years, son of Mishri Ram.
3. Sandeep Kumar (Male), aged about 24 years, son of Sikandar Ram.
All resident of village - Teterhat, P.S - Teterhat, Dist. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-12-2024 Heard Mr. Manoj Kumar, learned counsel appearing
on behalf of the petitioners and Mr. Navin Kumar Pandey,
learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Teterhat P.S. Case No. 66 of 2023, registered for the
offence punishable under Sections 341, 323, 308, 354(A), 379,
504 and 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners
along with other accused persons, had assaulted the informant
and his family members by means of iron rod, due to which,
they had sustained injuries. Specific allegation of assault is
against Sikandar Ram (petitioner no.2), who had assaulted the



brother of the informant by means of *lathi* and *Kudaal*.

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. There is long standing land dispute between the parties relating to Khata No. 12, Khesra 440, Mauza- Teterhat, and Title Suit No. 167 of 2023 relating to it is pending before the learned Sub Judge-IIIrd, Lakhisarai. Specific allegation of assault is against Sikandar Ram (petitioner no.2), who had assaulted the brother of the informant by means of *lathi* and *Kudaal*. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

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

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that there is case and counter case between the parties. There is long standing land dispute between the parties relating to Khata No. 12, Khesra 440, Mauza- Teterhat, and Title Suit No. 167 of 2023 relating to it is pending before the learned Sub Judge-IIIrd, Lakhisarai. Specific allegation of assault is against Sikandar Ram (petitioner no.2), who had assaulted the brother of the informant by means of



lathi and *Kudaal*. Petitioners have clean antecedent. I am of the opinion that petitioners no. 1 and 3, namely, Neera Devi and Sandeep Kumar respectively, have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners no. 1 and 3, 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. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Lakhisarai, in connection with Teterhat P.S. Case No. 66 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 no. 1 and 3 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners no. 1 and 3 as what has been stated in paragraph no. 3, this order will lose its force automatically.

9. So far as petitioner no. 2, namely, Sikandar Ram, is concerned, considering the nature of allegation made in the FIR against him, I am not inclined to enlarge the petitioner no. 2, namely, Sikandar Ram on pre-arrest bail.



10. However, the petitioner no. 2, if so advised, may surrender before the learned District Court and seek regular bail. The learned District Court is directed to consider the regular bail of the petitioner no. 2 same day and pass a reasoned order in accordance with law.

11. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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