

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83257 of 2023

Arising Out of PS. Case No.-520 Year-2023 Thana- GARKHA District- Saran

1. Sunil Kumar Ray @ Sunil Rai Son Of Late Nathuni Rai
2. Bablu Rai Son Of Late Nathuni Rai
3. Manish Rai Son Of Late Nathuni Rai
4. Manai Rai Son Of Late Mahendra Rai
5. Bachha Rai Son Of Ramawatar Rai
6. Pappu Kumar Rai @ Pappu Rai Son Of Rama Rai
All Resident Of Village - Kasina, P.S. - Garkha, District - Saran At Chapra (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate
For the Informant	:	Mr. Kundan Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 09-04-2024 Heard Mr. Deepak Kumar, learned counsel appearing on behalf of the petitioners; Mr. Kundan Kumar Singh, learned counsel for the informant and Mr. Ajit Kumar, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Garkha P.S. Case No. 520 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 354(B), 323, 307 and 504 of the Indian Penal Code .

3. As per the allegation made in the FIR, all the accused persons including the petitioners assaulted on the head



of the informant, namely Parvati Devi, who in course of the treatment died. Specific allegation of assault is against petitioner no.2 (Bablu Rai).

4. Mr. Deepak Kumar, learned counsel appearing on behalf of the petitioners submitted that he has received instruction to withdraw the bail application filed on behalf of petitioner no.2 (Bablu Rai).

5. Considering the aforesaid information, application for grant of pre-arrest bail filed on behalf of O.P.No.2 is dismissed as withdrawn.

6. So far as petitioner nos. 1, 3, 4, 5 and 6 is concerned, the learned counsel for the petitioners submitted that from perusal of the FIR, it appears that general and minibus allegation has been alleged against them. There is case and counter case between the parties and the petitioners in their self-defence may have caused some injury on the body of the informant side but the same can not be said to be intentional to commit murder of the informant.

7. Mr. Kundan Kumar Singh, learned counsel has tendered his appearance on behalf of the informant. He has vehemently opposed the prayer for pre-arrest bail. He further submitted that the petitioners with a common intention entered



into the house of the informant and assaulted brutally, in which the informant sustained injury and in course of the treatment, she died. As such, the petitioner nos. 1, 3, 4, 5 and 6 do not deserve to be released on pre-arrest bail.

8. Kr. Ajit Kumar, learned APP for the State has supported the submissions made on behalf of the informant.

9. Having considered the rival submissions made on behalf of the parties, as well as, the fact that on the alleged date of commission of offence, both the parties attacked on each other and the specific allegation is against petitioner no.2, who assaulted on the head of the informant, which ultimately took her life in course of the treatment. For the said incident, petitioners' side has also lodged FIR against the informant bearing Garkha P.S.Case No.519 of 2023 on 13.08.2023 and on the other day, the present FIR bearing Garkha P.S.Case No.520 of 2023 has been lodged. Both the parties are co-villagers and there is previous enmity between them, due to which a fierce fight took place between the parties and the petitioners in their self-defence may have caused some injury to the informant side.

10. Petitioner nos. 1, 3, 4, 5 and 6 are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned court below 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 IVth Additional Chief Judicial Magistrate, Saran at Chapra/concerned court in connection with Garkha P.S.Case No.520 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Purnendu Singh, J)

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