

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81714 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- PARWALPUR District- Nalanda

1. Jawahar Prasad Son Of Late Shankar Prasad @ Shiv Shankar Prasad R/O Village- Gandhi Nagar, P.S.- Parwalpur, Dist.- Nalanda
2. Surendra Prasad Son Of Late Shankar Prasad @ Shiv Shankar Prasad R/O Village- Gandhi Nagar, P.S.- Parwalpur, Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Anil Kumar Singh, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Parwalpur P.S. Case No. 66 of 2023, registered for the offence punishable under Sections 341, 323, 504, 506, 307, 448, 324 and 379/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, while the informant was in her house, in the meantime, all the FIR named accused persons, including the petitioners, armed with deadly weapons came there and started abusing. On exhortation made by co-accused Sudhir Kumar, co-



accused Bipin Kumar, shot fire due to which informant sustained firearm injury over her neck. It is further alleged that the petitioner along with another co-accused persons were dragging the informant to her house and on protest being made, the accused persons assaulted her husband with iron rod and co-accused Mukesh Kumar, snatched her ear rings.

4. It is submitted on behalf of the petitioners that on account of a dispute in relation to drainage of water, some altercation took place between the parties, resulting into case and counter case being Parwalpur P.S. Case No. 67 of 2022, alleged by the wife of the petitioner no. 1 against the informant and others. It is further submitted that though the injured Jaykala Devi has sustained grievous injury, but the same has not been attributed to the petitioners. He next submitted that even as per the narratives made in the FIR, no specific allegation has been levelled against the petitioners, save and except, dragging of the informant.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of



allegation, coupled with the case and counter case and the fact that the petitioner no. 2 has no criminal antecedent, whereas, petitioner no. 1 has one criminal antecedent is of 2008, let the above named petitioners, be released on 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 bonds of Rs. 10,000/- (Rupees ten thousand) **each** with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Parwalpur P.S. Case No. 66 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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