

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83803 of 2023

Arising Out of PS. Case No.-251 Year-2023 Thana- BARHARA District- Bhojpur

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Bablu Singh @ Diwakar Singh Son of Kamleshwar Singh, Resident of
Village- Paiga, PS- Barahara, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 19-03-2024 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Barahara P.S.Case No.251 of 2023, registered for the offences
punishable under Sections 341, 323, 447, 307, 354, 504 and
506/34 of the Indian Penal Code .

3. As per the allegation made in the FIR, the petitioner
had assaulted the informant with *Farsa* on his head with an
intention to kill him.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner in his self-defence
without any intention may have caused some injuries on the
head of the informant but the same was not intentional.
Petitioner and the informant are '*Gotia*'. Petitioner has clean
antecedent. There is previous enmity between the parties, as the
petitioner and co-accused had threatened the informant not to



adduce evidence in the case of Ram Bhuwan Singh, due to which such frivolous allegation has been alleged against the petitioner.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR and the injury report submitted by the Doctor, in which he has found that the injury is on the head, which is the vital part of the body. I am not inclined to enlarge the petitioner on pre-arrest bail, however, the petitioner, if so advised, may surrender before the court below within a period of three weeks from the date of this order and seeks regular bail by filing regular bail application before the district court.

7. In such circumstances, the district court is directed to pass an order on the same day of filing of the regular bail application taking into consideration that there is previous enmity between the parties and the minuscule evidence has been collected in course of the investigation.

(Purnendu Singh, J)

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