

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 84750 of 2023

Arising Out of PS. Case No.-111 Year-2017 Thana- BALTHAR District- West Champaran

1. Seth Prasad S/O Late Jamadar Sah
 2. Raju Prasad S/O Seth Prasad
- Both are resident of Village- Balthar, P.S- Balthar, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajeet Kumar Bhardwaj, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 07-03-2024 Heard Mr. Ajeet Kumar Bhardw, learned counsel
appearing on behalf of the petitioners and Mr. Pawan Kumar
Chaurasia, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with
Balthar P.S.Case No.111/2017, registered for the offences
punishable under Sections 341, 323, 308, 354 and 506/34 of the
Indian Penal Code.

3. Prosecution story in brief is that while the
petitioners were filling the government drainage line with mud,
the informant objected it and in retaliation, both the parties
engaged in fierce fight, causing head injury to the husband of
the informant by co-accused, Jitendra Prasad.

4. Learned counsel appearing on behalf of the



petitioners submitted that the petitioners and the informant are neighbour and the dispute relates to a drainage on the government land. Learned counsel further submitted that the petitioners were not putting soil to obstruct the drainage and on the basis of false accusation, the petitioners have been dragged in the present case. The injury has been caused to the husband of the informant by co-accused Jitendra Prasad, which may be without intention in his self-defence.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, both the parties engaged in fierce fight, in which the petitioners' side may have caused some injury to the husband of the informant in self-defence, which may be without intention and there is case and counter case between the parties, the petitioners 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 ACJM, VIIth West Champaran, Bettiah/concerned court, in connection with Balthar P.S.Case No.111 of 2017, subject to



conditions as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

