

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84593 of 2023

Arising Out of PS. Case No.-212 Year-2023 Thana- AMDABAD District- Katihar

1. Sk. Raju aged about 30 years, Gender- Male, son of Salimuddin.
2. Bholiya aged about 23 years, Gender-female, wife of Sk. Raju
Both are resident of village- Nayatola, P.S- Amdabad, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Musowir, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-03-2024 Heard Mr. Md. Musowir, learned counsel appearing
on behalf of the petitioners and Mr. Satyendra Narayan Singh,
learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Amdabad P.S. Case No. 212 of 2023, registered for the
offence punishable under Sections 341, 323, 324, 307 and
379/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners
along with other co-accused named therein, with an intention to
kill, had assaulted the informant on his head by means of *farsa*.

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 due to long standing land dispute. Injuries sustained by the informant are simple in nature. In course of fierce fight, petitioners may have caused some injuries to the informant but without intention. 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 due to long standing land dispute. Injuries sustained by the informant are simple in nature. In course of fierce fight, petitioners may have caused some injuries to the informant but without intention. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below 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 J.M. 1st Class,



Katihar, in connection with Amdabad P.S. Case No. 212 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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