

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8934 of 2024

Arising Out of PS. Case No.-253 Year-2022 Thana- BARACHATTI District- Gaya

1. Avinash Kumar, aged about 32 years, male, son of Suresh Prasad
 2. Virendra Prasad @ Virendra Kumar Verma, aged about 40 years, male, son of Ramchandra Prasad.
- Both are resident of Village- Mahkampur, Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-02-2024 Heard Mr. Kunwar Narayan Jamuar, learned counsel appearing on behalf of the petitioners and Mr. Akbar Ali, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Barachatti P.S. Case No. 253 of 2022 registered for the offence punishable under Sections 147, 148, 149, 323, 341, 342, 307, 504, 379 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, petitioners along with other co-accused armed with deadly weapon had assaulted the informant and his family members in which they had sustained injury.



4. Learned counsel appearing on behalf of the petitioners submitted that specific allegation against petitioner no. 1 is that he had allegedly fired in air without causing any injury to anyone and petitioner no. 2 had assaulted the informant on his head with a deadly weapon, however, no injury has been found, as per the opinion of the doctor, on the head of the informant. Learned counsel further submitted that there is case and counter case and petitioners' side had lodged first FIR. 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 nature of allegation made in the FIR, as well as, the fact that both the parties had entered into fierce fight and it may be a case that the petitioners, in their self defence, may have caused injury to the informant side but the same cannot be held to be intentional. 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 2nd , Sherghati, Gaya, in connection with Barachatti P.S. Case No. 253 of 2022, 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 petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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