

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9165 of 2024

Arising Out of PS. Case No.-105 Year-2023 Thana- DAUDPUR District- Saran

1. Mantu Prasad, aged about 47 years, Male, Son of Late Satyandaryan Prasad
 2. Premchand Prasad, aged about 67 years, Male, Son Of Late Satyanarayan Prasad
 3. Pricne Kumar, aged about 19 years, Male, Son Of Mantu Prasad
 4. Rohit Kumar, aged about 22 years, Male, Son Of Mantu Prasad
- All Rresidents of Village - Baniyapur, P.S. - Daudpur, Disrtict - Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-02-2024 Heard Mr. Dhananjay Kumar Tiwary, learned
counsel appearing on behalf of the petitioners and Mr.
Mohammed Arif, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Daudpur P.S. Case No. 105 of 2023 dated 09.03.2023
registered for the offence punishable under Sections 147, 341,
323, 379, 307, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, while the
informant was sitting at his door, accused persons, who are
neighbour of the informant including the petitioners had came
and assaulted on the head of the informant. Specific allegation
against the petitioner no. 3, namely, Prince Kumar that he had



assaulted on the head of the informant by means of sword.

4. Learned counsel appearing on behalf of the petitioners submitted that the admitted position is that the petitioners are the neighbour of the informant. They indulge in fierce fight in which both the parties had sustained injury. There is case and counter case between the parties for the said incidence. The petitioners' side had also lodged an FIR on the same day. The injury, which has been alleged to have been caused by the assault made by petitioner no. 3 on the informant is lacerated and simple in nature which falsify the allegation made in the FIR that petitioner no. 3 had assaulted the informant by means of sword. Petitioner no. 1 has one criminal antecedent registered under Sections 147, 341, 323 and 447 of the Indian Penal Code in connection with Daudpur P.S. Case No. 82 of 2011 and petitioners no. 2 to 4 have clean antecedent.

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 there is case and counter case between the parties for the said incidence. The petitioners' side had also lodged an FIR on the same day. The injury, which has been alleged to have been caused by the assault made by



petitioner no. 3 on the informant is lacerated and simple in nature which falsify the allegation made in the FIR that petitioner no. 3 had assaulted the informant by means of sword. 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 Judicial Magistrate-1st Class, Saran at Chapra, in connection with Daudpur P.S. Case No. 105 of 2023 dated 09.03.2023, 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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