

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8844 of 2025

Arising Out of PS. Case No.-179 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

1. Ramesh Malakar, Male, aged about 30 Years.
2. Ashok Malakar @ Bhagat, Male, aged about 32 Years,
Both are Son of Vishundeo Bhandaari, Resident of Village - Balwaganj,
Police Station - Laheriasarai, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-05-2025 Heard Mr. Mazharul Hassan, learned counsel

appearing on behalf of the petitioners and Mr. Ahmad Ali,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Laheriasarai P.S. Case No. 179 of 2021, registered for the
offence punishable under Sections 341, 323, 324, 379, 354, 504,
506 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners
along with other co-accused persons, had assaulted the
informant and her family members. Specific allegation against
the petitioner no. 1 is that he had assaulted the informant by
means of iron-rod causing head injury.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Petitioners and informant are agnates. He further submitted that the medical examination of Kanchan Devi (informant) is part of the FIR from which, it doesn't appear that she had sustained any grievous injury, only certain medical advice were given to her. Due to land dispute, an altercation took place between the parties and in course of the same, the petitioners may have caused injury to the informant party in his self defence, 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 petitioners and informant are agnates. Medical examination of Kanchan Devi (informant) is part of the FIR from which, it doesn't appear that she had sustained any grievous injury, only certain medical advice were given to her. Due to land dispute, an altercation took place between the parties and in course of the same, the petitioners may have caused injury to the informant party in his self



defence, 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 learned District Court 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 Chief Judicial Magistrate, Darbhanaga, in connection with Laheriasarai P.S. Case No. 179 of 2021, subject to the condition as laid down under Section 482(2) of the BNSS, 2023.

8. **The learned District Court 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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