

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56256 of 2024

Arising Out of PS. Case No.-890 Year-2023 Thana- KANTI District- Muzaffarpur

1. Chandra Bhushan Panday, Son Of Late Panchu Panday, Village- And Po- Bangrapatti Shain, PS- Kanti, Dist- Muzaffarpur
2. Kamini Kant Panday, Son Of Chandra Bhushan Panday, Village- And Po- Bangrapatti Shain, PS- Kanti, Dist- Muzaffarpur
3. Krishna Kumar Panday, Son Of Chandra Bhushan Panday, Village- And Po- Bangrapatti Shain, PS- Kanti, Dist- Muzaffarpur
4. Krishna Kant Panday, Son Of Chandra Bhushan Panday, Village- And Po- Bangrapatti Shain, PS- Kanti, Dist- Muzaffarpur
5. Priyansh Kumar, Son Of Krishna Kant Panday, Village- And Po- Bangrapatti Shain, PS- Kanti, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-01-2025 Heard Mr. Dhananjay Kumar Singh, learned counsel

appearing on behalf of the petitioners and Mr. Ajit Kumar,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Kanti P.S. Case No.890 of 2023 registered for the
offence(s) punishable under Sections 341, 342, 323, 324, 307,
385, 379, 504, 506/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per the allegation made in the FIR, the



petitioners and other accused persons, with an intention to kill fired, which passed through the upper side of the head of informant. The petitioners, with other accused persons, thereafter, assaulted the uncle of the informant by means of iron rod. It has also been alleged against the petitioners that they have assaulted the informant and his family member on different parts of their body, by means of iron rod, causing them injury.

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, arising out of the same incident, in which both the parties have indulged into fierce fight and in their self-defence they might have assaulted each other. On these grounds, the petitioners seek to be released on 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, arising out of the same incident, in which both the parties have indulged into fierce fight and in their self-defence they might have assaulted each other, the



learned District Court is directed to release the petitioners on pre-arrest bail after verifying the opinion of the doctor in respect of nature of injury, as to whether, it is grievous or simple in nature. In case of grievous injury, the petitioner/s concerned don't deserve to be released on pre-arrest bail.

7. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J.)

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