

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89205 of 2024

Arising Out of PS. Case No.-594 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

1. Arjun Kumar Son of Late Visheshwar Rai Vill- Nainaha, P.S.- Hajipur Sadar, District- Vaishali.
2. Arvind Kumar son of Late Visheshwar Rai Vill- Nainaha, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-01-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Hajipur Sadar P.S. Case No. 594 of 2024, registered for the offences punishable under Sections 126(2), 127(2), 115(2), 118(1), 117(2), 109, 76, 303(2), 3(5) of the B.N.S.

3. Allegedly, while the informant was sitting at her door, in the meantime, all the FIR named accused persons including the petitioners and 20 to 25 unknown persons entered at the adjacent land of informant's family with an intention to take forceful possession of the same. It is further alleged that when the same was protested, all the accused persons started abusing and assaulting her. There is specific allegation that the

petitioner no. 1 gave a *hasua* blow to one Praveen Kumar due to which he sustained sharp cut injury on his nose. So far petitioner no. 2 is concerned, there is allegation that he threw Ritik Raj son of Parveen Kumar on the ground and tried to stab him, but he anyhow saved himself.

4. Learned counsel appearing on behalf of the petitioners contended that there is a counter version of present case being Hajipur Sadar P.S. Case No. 595 of 2024. In fact, on account of ongoing land dispute both the parties, who are none else but the agnates/Gotia entered into a free fight resulting into injuries to the persons of both the sides. He further contended that so far the injury sustained to the informant and other family members are concerned, all of them have been found to be simple in nature. The injured Parveen Kumar has sustained only lacerated wound on his left cheek caused by hard and blunt substance which also falsify the prosecution case. The petitioners are having fair antecedent and undertake before this Court that they will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that the petitioners have actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case, coupled with simple nature of the injuries and the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali, Hajipur in connection with Hajipur Sadar P.S. Case No. 594 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J.)

Jyoti Kumari/-

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