

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38754 of 2020

Arising Out of PS. Case No.-472 Year-2020 Thana- KANTI District- Muzaffarpur

SURAJ KUMAR, son of Bali Thakur @ Ram Bali Sharma, Resident of
Village- Sadatpur, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra, Adv.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Priya Sharan Singh, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Kanti P.S. Case No.472 of 2020
registered for the offences punishable under Sections 356, 382
and 411 of the Indian Penal Code.

As per the prosecution story on 11.08.2020 at 11.30
pm the informant was going to his home Mubarakpur on his
tempo bearing Reg.No.BR06-6394 and when he reached near
Sahwazpur Railway Gumti two persons on a blue motorcycle
came and stopped his tempo and assaulted him by fists and slaps



and took away his tempo. It is alleged that in the meantime the informant informed the Kanti police station upon which the police came and arrested one person with the motorcycle. It is alleged that the person who was fled away with the tempo stopped the tempo on seeing the police party and fled away taking advantage of darkness. The apprehended disclosed his name as Sant Kumar and also disclosed the name of the person who fled away as Suraj Kumar (petitioner).

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the statement of the apprehended accused and he was not arrested on the spot. It is submitted that the matter has been compromised between the informant and the accused persons.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the materials placed before this Court showing that the name of the petitioner has transpired in the statement of the apprehended accused, he was not arrested on the spot, the petitioner is otherwise having no criminal antecedent and this Court has been given to understand that the



informant has filed a compromise petition stating that he has got good relationship with this petitioner and does not want to prosecute this case, this Court directs that the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Kanti P.S. Case No.472 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M.-1, Muzaffarpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

