

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25864 of 2022

Arising Out of PS. Case No.-344 Year-2021 Thana- BARAULI District- Gopalganj

Sumit Singh @ Sumit Kumar Son Of Pramod Singh Resident Of Village -
Bharkuiyan Ward No.6, P.S.- Barauli, Distt.- Gopalganj.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Arbind Kumar Singh, Advocate
For the Opposite Party	:	Mr.A.G
For the informant	:	Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioner, the State and the informant.

Petitioner apprehends arrest in registered for the offences punishable under Sections 307/379 and other allied sections of the Indian Penal Code.

Petitioner is alleged to have assaulted the informant with iron rod causing injury on his head.

Learned counsel for the petitioner submits that the parties are agnate and there is land dispute between them. Present case is counter blast of earlier case lodged by the petitioner side against the informant and others. It is stated in paragraph 3 of the bail petition that the petitioner has got clean antecedent.

Learned counsel for the State as well as the informant oppose the prayer for bail submitting that sections 82/83 CrPC process has already been initiated by the Court below to ensure attendance of the petitioner in the case, as such, instant



application is not maintainable in view of judgment of the Hon'ble Supreme Court rendered in case of **Prem Shankar Prasad Vs. State of Bihar and another**, reported in **2021 SCC Online SC 955**.

Replying this objection, learned counsel for the petitioner submits that on similar footing, a co-ordinate bench of this Court has granted pre-arrest bail to a co-accused, vide order dated 15.12.2021, passed in Cr.Misc.No. 1118 of 2021.

In view of the proposition of law pronounced by the Hon'ble Supreme Court in case of **Prem Shankar Prasad (supra)**, this Court is not inclined to accede to the prayer of the petitioner.

Accordingly, instant pre-arrest bail petition is dismissed.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

