

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28194 of 2023

Arising Out of PS. Case No.-942 Year-2022 Thana- SONEPUR District- Saran

PAWAN KUMAR RAI @ PAWAN KUMAR S/O ALAGU RAI @ ALAKH
DEV RAI R/O Village- Gobind Chak, P.S- Sonapur, Distt.- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Sonapur P.S. Case No.- 942 of 2022 registered for the offences punishable under Sections 386/34 of the Indian Penal Code. He has got one criminal antecedent in which he is on bail.

3. Learned counsel for the petitioner submits that when the informant reached near Tribhuwan Chowk he stopped his vehicle due to a signal given by a traveller. Later on, the petitioner along with one Bipin Kumar surrounded the informant's vehicle and abused him and assaulted him with lathi, danda and iron rod which caused him head injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. It is submitted that the matter has been compromised and the informant did not oppose the petitioner's prayer for pre-arrest bail in the learned court below.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case, wherein it is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused in police custody, the matter has been compromised and the informant did not oppose his prayer for pre-arrest bail in the learned court below, the petitioner has one criminal antecedent in which he is on bail but his appearance may be secured in accordance with law, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named shall be released on bail in connection with Sonapur P.S. Case No.- 942/2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and that the petitioner shall appear before the Investigating Officer of the case, join the investigation and cooperate in course of investigation.



7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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