

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32973 of 2023

Arising Out of PS. Case No.-77 Year-2019 Thana- KALER District- Jehanabad

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1. Daya Shankar Rai, aged about 50 years (male) son of Late Asarfi Rai
 2. Bajarangi Kumar, aged about 20 years Son Of Daya Shankar Rai
Both are resident of village-Rajpura, P.S.-Kaler, District-Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-07-2023 Heard Mr. Vinod Pandey, learned counsel
appearing on behalf of the petitioners and Mr. Umeshanand
Pandit, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Kaler P.S. Case No. 77 of 2019 registered for the offence
punishable under Sections 341, 323, 324 and 307/34 of the
Indian Penal Code and later on Police submitted charge sheet
under Sections 341, 323 and 308/34 of the Indian Penal Code.

3. Prosecution story, in brief, is that on account of
some altercation, the accused persons named in the F.I.R.
including the petitioners had threatened the informant. One
Chhote Kumar @ Chhotu Rai is said to have given *Khanti* blow
on informant's head as result of which, the informant had felt



unconscious.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Specific allegation is against one co-accused Chhotu Kumar and the said Chhotu Kumar has been released on bail by a co-ordinate Bench of this Court vide order dated 20.12.2022 passed in Criminal Miscellaneous No. 56768 of 2022. There is general and omnibus allegation against the petitioners. Petitioners have got clean antecedents. On these grounds, 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 nature of allegation made against the petitioners in the FIR, specific allegation is against one co-accused Chhotu Kumar, who has been released on bail by a co-ordinate Bench of this Court vide order dated 20.12.2022 passed in Criminal Miscellaneous No. 56768 of 2022 and petitioners have got clean antecedent, I am of the opinion that petitioners have *prima facie* made out a case to be released on bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of his arrest or surrender



before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Arwal in connection with Kaler P.S. Case No. 77 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/Nilmani

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