

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37955 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- BIHIA District- Bhojpur

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Raju Singh Parmar @ Raju Singh S/o Late Sudama Singh R/o Village-
Varuna, PS. Bihiya, Dist. Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Adv.

For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mr. Ashutosh Kumar, learned counsel for the

petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bihiya P.S. Case No. 98 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 323, 332, 333, 353, 337, 338, 379, 411, 427, 504, 506 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. It is alleged that on an information regarding a clash between two rivals, the police reached at the place of occurrence and having found certain injured persons, sent them for treatment. It is further alleged that when the police reached near the house of co-accused Harendra Singh, altogether 40-50 persons assembled there and attacked upon them by means of various arms and they also tried to snatch the service revolver of



ASI Ashok Mishra. In course of snatching, a bullet fired which hit a boy, namely, Rahul Kumar.

4. Learned counsel for the petitioner submits that altogether 34 named and 15-20 unknown persons made accused in this case, however, there is no specific allegation of any overt act against the petitioner. He further submits that the petitioner was not found involve in snatching the service revolver of the ASI Ashok Mishra. The petitioner is a medically unfit army personnel and only because he was an onlooker of the offence, his name has been implicated in this case. While concluding his submission, he also submits that the petitioner is also named in one another case being Bihiya P.S. Case No. 97 of 2022, which had been instituted by one of the members of rival group. However, he is on bail in the said case.

5. On the other hand, learned counsel for the State opposes the application for grant of pre-arrest bail.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that there is no specific allegation against the petitioner regarding his active participation in the crime, coupled with the fact that the petitioner is a retired army personnel, let the above named petitioner, be released on bail, in the event of his arrest or



surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Bhojpur at Ara in connection with Bihiya P.S. Case No. 98 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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