

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48821 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

Abhishek Kumar Jha, son of Premchandra Jha, resident of Mohalla -
Sarvoday Nagar, P.S.- Begusarai Nagar, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 27-03-2023 Heard Mr. Ram Sumiran Rai, learned counsel
appearing on behalf of the petitioner and Mr. Mukesh Kumar
Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Muffasil P.S. Case No. 145 of 2022 registered for the
offence punishable under Section 364/64 of the Indian Penal
Code and Section 27 of the Arms Act.

3. Prosecution story, in brief, is that thirteen known
and two unknown persons are named in the F.I.R., out of which
seven accused persons including the petitioner are said to have
kidnapped the informant at the point of pistol, however on
arrival of the police, all the accused persons named in the F.I.R.
fled away from the spot. Thereafter, the informant was treated at
Sadar Hospital, Begusarai. The injury sustained by the



informant is simple in nature.

4. Learned counsel appearing on behalf of the petitioner submitted that no incriminate material has come in course of investigation against the petitioner. The petitioner was never involved in the alleged kidnapping of the informant which is levelled against altogether 13 co-accused named in the F.I.R. However, no specific role has been assigned in the F.I.R. against the petitioner in the alleged kidnapping of the informant. It is further informed that charge sheet has already been submitted. Petitioner may be given liberty to surrender before the Court to obtain bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the fact that no specific allegation has been made against the petitioner that it was the petitioner who had assaulted and kidnapped the informant. General and omnibus allegation has been levelled against all the co-accused. The injury sustained by the informant has been opined by the doctor as simple in nature. The petitioner has further stated in Para-3 of the bail application that two criminal cases were lodged against the petitioner in which petitioner has already been acquitted, charge sheet has already been submitted and



there is no chance of influencing the witnesses or tampering with the evidence, *prima facie* it appears that the petitioner has made out a case to be released on bail.

7. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that no criminal case is pending against him as stated in Para-3 of the bail application, petitioner, above named, is 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Begusarai in connection with Muffasil P.S. Case No. 145 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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