

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57963 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- KHIJARSARAI District- Gaya

Sonu Kumar, aged about 30 years, Male, Son of Lambu Prasad, Grandfather
Chhote Lal Saw, Resident of Village- Kurawa P.S.- Mahkar, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-10-2023 Heard Mr. Anil Kumar Saxena, learned counsel

appearing on behalf of the petitioner and Mr. Md. Nazir Ansari,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Khizarsarai P.S. Case No. 106 of 2023 dated 09.03.2023
registered for the offence punishable under Sections 147, 342,
323, 307, 427, 337, 379 of the Indian Penal Code and Section 37
of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Prosecution story, in brief, is that on 09.03.2023,
when the informant was returning back from a Tilak ceremony,
petitioner along with 7-8 unknown accused persons had
surrounded his vehicle and started assaulting and had snatched
golden chain from his neck and looted cash of Rs. 2000/- from
his pocket.



4. Learned counsel appearing on behalf of the petitioner submitted that from the bare perusal of the FIR it would appear that no specific allegation of over act has been made against the petitioner. The allegation against the petitioner is general and omnibus. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

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

6. Considering the nature of allegation being general and omnibus against the petitioner. No specific allegation of assault has been made against the petitioner and petitioner has clean antecedent, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, Gaya, in connection with Khizarsarai P.S. Case No. 106 of 2023 dated 09.03.2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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