

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64503 of 2023

Arising Out of PS. Case No.-849 Year-2022 Thana- ALAMGANJ District- Patna

1. Ajit Singh @Ajit Singh Kushwaha aged about 40 years (male) Son Of Jay Kumar Mehta, Resident Of Village- Tripolia (Near Tara Press), P.S.- Alamganj, District- Patna
2. Neeraj Kumar aged about 30 years (male) Son Of Narsh Singh, Resident Of mohalla- Nuranibag Colony, 5-B P.S.- Alamganj, District- Patna
3. Pramod Kumar @ Pramod Raj aged about 30 years (male) Son Of Naresh Saw, Resident Of mohalla- Bagh Bhup Singh Lane (Gulzarbag) P.S.- Alamganj, District- Patna
4. Sunil Kumar @ Sunil@Sinil Kumar aged about 26 years (Male), Son Of Surendra Prasad, Resident Of Village- Nuranibag Colony -5 (B), P.S.- Alamganj, District- Patna
5. Shakti Kumar aged about 25 years (Male) Son Of Naresh Sah, Resident Of Mohalla- Gur Ki Mandi, Gai ghat, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 Heard Mr. Subodh Kumar, learned counsel

 appearing on behalf of the petitioners and Mr. Shailendra

 Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Alamganj P.S. Case No. 849 of 2022 registered for the
offence punishable under Sections 147, 148, 149, 188, 341, 323,
332, 353, 504 of the Indian Penal Code and Sections 25 (1-B)
A/26 / 27 / 35 of the Arms Act.



3. As per the allegation made in the FIR, at the occasion of immersion of effigy of goddess Kali, the members of the procession started celebratory firing.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent. Petitioners are not named in the FIR and they have been dragged in the present case merely on the basis of suspicion due to dirty village politics. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submitted that similarly situated co-accused, namely, Vikash Yadav @ Vikash Kumar has already been released on bail by a co-ordinate Bench of this Court vide order dated 30.08.2023 passed in Criminal Miscellaneous No. 52137 of 2023 and Prabhat Yadav @ Prabhat Kumar, has been released on bail by a co-ordinate Bench of this Court vide order dated 23.08.2023 passed in Criminal Miscellaneous No. 54714 of 2023. Petitioners no. 1 to 4 has clean antecedent and petitioner no. 5 has one criminal antecedent registered for offence under Section 37(b) of the Bihar Prohibition and Excise Act as amended up-to-date in connection with Alamganj P.S. Case No. 653 of 2018, in which he is on bail. On these grounds, petitioners seek 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 as well as the fact that petitioners are not named in the FIR, there is general and omnibus allegation has been levelled against the petitioner. Similarly situated co-accused, namely, Vikash Yadav @ Vikash Kumar has already been released on bail by a co-ordinate Bench of this Court vide order dated 30.08.2023 passed in Criminal Miscellaneous No. 52137 of 2023 and Prabhat Yadav @ Prabhat Kumar, has been released on bail by a co-ordinate Bench of this Court vide order dated 23.08.2023 passed in Criminal Miscellaneous No. 54714 of 2023. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-IV, Patna City, in connection with Alamganj P.S. Case No. 849 of 2022, 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 petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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