

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64008 of 2023

Arising Out of PS. Case No.-229 Year-2023 Thana- ATRI District- Gaya

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1. SUMIT KUMAR @ SUMIT SINGH @ BIGRA S/O UPENDRA SINGH @ PAPPU SINGH R/O VILLAGE- BAIRKA, PS. ATARI, DIST. GAYA
 2. VIVEK KUMAR S/O DHANANJAY SINGH @ BABU R/O VILLAGE- BAIRKA, PS. ATARI, DIST. GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 At the outset, learned counsel appearing on behalf of the petitioners seeks permission to delete paragraph no.8 of the bail application in which inadvertently one Abhishek Singh, in whose name, motorcycle bearing registration No.BR02BG-1808 has been registered, has been named as accused, however, he has clarified that his brother Suraj Kumar is one of the accused.

2. In view of the above-mentioned submissions, learned counsel for the petitioners is permitted to delete paragraph no.8 in course of the day.

3. Heard Mr. Anil Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Nagendra Prasad, learned APP for the State.



4. The petitioners seek pre-arrest bail in connection with Atari (Gehlor) P.S. Case No. 229 of 2023 dated 13.05.2023 registered for the offence(s) punishable under Section 397 of the Indian Penal Code.

5. As per the allegation made in the FIR, five accused persons forcibly snatched Rs.5,000/- and a gold locket from the informant. Further allegation is that the accused persons also tried to snatch the motorcycle of the informant and on resistance being made, they also assaulted the informant and his brother-in-law.

6. Learned counsel appearing on behalf of the petitioners submitted that genesis of the altercation is that the petitioners met with an accident with the informant in which motorcycle of the informant was dashed which led to the filing of present FIR and a concocted story has been cooked up to implicate the petitioner in a false criminal case. Learned counsel further submits that the parties have compromised, however, he admits that offence is heinous in nature. Petitioners have clean antecedent. It is further submitted that the name of the petitioners has surfaced in this case on the basis of information given by Rambali Singh, who disclosed the name of the petitioners and three others.



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

8. Considering the nature of allegation as well as the facts that petitioners are not named in the FIR and their name surfaced in this case on the disclosure made by one Rambali Singh and also the fact that petitioners have clean antecedent, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

9. 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. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Atari (Gehlor) P.S. Case No. 229 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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