

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66214 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- LALGANJ District- Vaishali

Munna Kumar, aged about 30 years, (Male), Son Of Bishwanath Prasad Gupta, Resident of Village- Pokhariya, P.S.- Pahadpur, District- East Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Sanjeev Kumar, learned counsel appearing on behalf of the petitioner and Mr. Md. Ataur Rahman, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Lalganj P.S. Case No. 105 of 2023 corresponding to G.R. No. 1065 of 2023 registered for the offence punishable under Sections 328 and 379/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioner and other accused persons had administered intoxicant substance to the informant and had committed theft of his Wagon R vehicle, gold ring, cash of Rs. 5,000/- and a mobile phone.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Petitioner is nowhere involved in the alleged incidence of theft of the said car or administering intoxicating substance to the informant. He further submitted that FIR was lodged in a planned manner after delay of 8 days and no explanation has been given for the delay. 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 made in the FIR against the petitioner, the petitioner can only be said to have booked the car and he is nowhere involved in the alleged incidence of theft of the said car or administering intoxicating substance to the informant. FIR was also filed after delay of 8 days for which no explanation has been given. 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. 25,000/- (Rupees Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali, in connection with Lalganj P.S. Case No. 105 of 2023 corresponding to G.R. No. 1065 of 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)

Niraj/-

U		T	
---	--	---	--

