

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67563 of 2022

Arising Out of PS. Case No.-431 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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GHURLA @ AKASH @ ASHOK KUMAR S/O Bihari Yadav @ Behari Ray
R/O Village- Miscot near Gyan babu chowk, P.S- Town motihari, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 28-04-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks pre-arrest bail in connection
with Motihari Town P.S. Case No. 431 of 2022 registered for the
offences punishable under Sections 341, 324, 302, 34 of the
Indian Penal Code.

3. Prosecution story in brief is that informant is the
uncle of the victim who was present at the place of occurrence.
It is alleged that petitioner along with co-accused surrounded his
nephew and started abusing and assaulting him. Co-accused
Samir stabbed in the chest of the nephew of the informant and
the victim received grievous injury and in course of treatment,
the victim had died.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he is not involved in the alleged commission of murder of the nephew of the informant. The specific allegation is against the co-accused Samir, who have stabbed in the chest of the nephew of the informant and in course of treatment, the victim died. No specific allegation has been made against the petitioner. In course of investigation, no material has come against the petitioner. Petitioner is stated to be clean antecedent.

5. Learned counsel for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having heard rival submissions of the parties and having perused the allegation made in the F.I.R. it appears that general and omnibus allegation has been made against the petitioner and specific allegation is against the co-accused, Samir, who has stabbed in the chest of the nephew of the informant and in course of treatment, the victim died and also in course of investigation, the Investigating Officer has not even collected evidence against the petitioner nor any witnesses have supported the case of the informant that the petitioner was involved in commission of offence, I am of the opinion that the petitioner who has clean antecedent has made out a case to be



released on anticipatory bail. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Motihari Town P.S. Case No. 431 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure and with a further condition that if the statement made in paragraph No.3 of the present bail application with respect to the criminal antecedent of the petitioner is found to be incorrect, this order will automatically will loose its force.

(Purnendu Singh, J)

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