

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71790 of 2023

Arising Out of PS. Case No.-177 Year-2019 Thana- BHAGWAN BAZAR District- Saran

Santosh Ray, aged about 34 years (Male), S/O Late Vikrama Ray, R/o Village-
Chhota Brahampur, Satgharwan, P.S.- Bhagwan Bazar, Dist. Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : **Mr. Pranav Kumar, A.P.P.**

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-11-2023 Heard Mr. Anjani Parashar, learned counsel
appearing on behalf of the petitioner and Mr. Pranav Kumar,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Bhagwan Bazar P.S. Case No. 177 of 2019 registered for the offence punishable under Sections 341, 323, 324 and 307/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioner along with other accused persons had assaulted the informant on his head by means of deadly weapon. Specific allegation against the petitioner is that he had assaulted the informant by means of lathi. Injury is lacerated wound on the hand of the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case due to previous enmity. General and omnibus allegation has been levelled against the petitioner. Injury which has been caused to the informant is not on the vital part of the body. Petitioner may have caused such injury in his self defence without any intention. Petitioner has one antecedent in which he is on bail. 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, general and omnibus allegation has been levelled against the petitioner. Injury which has been caused to the informant is not on the vital part of the body. Petitioner may have caused such injury in his self defence without any intention. Petitioner has one antecedent in which he is on bail. 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 six 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 A.C.J.M.-1st, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 177 of 2019, 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 lose its force automatically.

(Purnendu Singh, J)

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