

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74845 of 2022

Arising Out of PS. Case No.-917 Year-2022 Thana- KHAGARIA District- Khagaria

Ashok Saraf Son Of Kishori Lal Saraf R/O Village- Gandhi Nagar, Ward
No.4, P.S. And District- Khagaria

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and Mr. Arun
Kumar Pandey, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Khagaria P.S. Case No. 917/2022 registered for the offences punishable under Sections 448, 436, 506, 120(B), 427 and 34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant was sleeping in her tent house, four persons entered into her house with a gallon of oil and started sprinkling oil in the tent house. Rahul Saraf and Ashok Saraf and other unknown persons were also present in burning of the articles kept in the tent house. The accused persons also tried to push the informant in the fire, but she fled away anyhow.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that informant has forcibly tried to grab the godown/land of Nitin Tulsyan for which a title suit is pending.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, considering that there is general allegation against the petitioner and some other co-accused who are not named that they had lightened the tent house, however petitioner has represented before the Superintendent of Police that on the alleged date of occurrence he was at Dharmshala (Himachal Pradesh) with his family and has requested the Superintendent of Police to enquire about the said aspect of the matter, as also petitioner has no criminal antecedent, this Court directs that in the event of his arrest or surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of 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, Khagaria in connection with Khagaria P.S. Case No. 917/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

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