

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9162 of 2024

Arising Out of PS. Case No.-74 Year-2023 Thana- BITHAN District- Samastipur

Md. Javeed @ Javed Sah, aged about 30 years (male), son of Md. Karamat Sah @ Md. Karamat @ Karamat Sah, resident of village- Ujan, P.S.- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-02-2024 Heard Mr. Ranjeet Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Shailendra Kumar,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bithan P.S. Case No. 74 of 2023 registered for the offence
punishable under Sections 323, 324, 341,342, 307, 379, 504 and
506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, while the
younger brother of the informant was returning from his grocery
shop, accused persons including the petitioner had surrounded
and assaulted him, due to which he sustained injury and had also
snatched Rs. 5,000/- from his pocket.

4. Learned counsel appearing on behalf of the



petitioner submitted that due to enmity and a complaint lodged against the informant by the wife of the petitioner before the Magistrate under Section 376, a false case of snatching Rs. 5,000/- and causing injury to the brother of the informant has been filed by the informant. However, petitioner, just to buy peace, is ready to give Rs. 5,000/- to the brother of the informant. Learned counsel further submitted that both the parties are agnates and due to property dispute, the petitioner has been dragged in a false case. No specific allegation of assault has been alleged against the petitioner. 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, as well as, the fact that most of the injuries are simple in nature and injury which as per the opinion of the doctor caused on root of nose by hard and blunt substance is grievous. 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 Judicial Magistrate 1st Class, Rosera, in connection with Bithan P.S. Case No. 74 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 lose its force automatically.

(Purnendu Singh, J)

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