

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15935 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- NAUHATTA District- Saharsa

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ARJUN ROY, S/o Domi Roy, R/o Village-D arhar (O.P. Darhar), P.S.-
Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Harun Quareshi, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-03-2024 Heard Mr. Harun Quareshi, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Nauhatta P.S. Case No. 97 of 2023 registered for the offences punishable under Sections 323, 307, 353, 379, 411, 413/34 of the Indian Penal Code.

3. The police in course of patrolling, on receipt of confidential information raided the house of the petitioner and during the course of search one black colour Hero Splendor+ motorcycle, without registration number, was recovered from the cattle house of the petitioner. It is further alleged that while the police personnel were discharging their duty, co-accused Domy Ray along with the petitioner and others made



obstruction and other family members pelted stones causing injury to the police personnel. In the aforesaid ruckus, the petitioner and his brother managed to flee away.

4. It is submitted on behalf of the petitioner that from the narrations made in the F.I.R., it is evident that the police rushed to the house of the petitioner in search of his father, who is named in one another criminal case and during the course of search a motorcycle is said to have been recovered. In fact, on account of some altercation, which took place between the police personnel and family members of the co-accused Domy Ray, the name of the petitioner and his brother have been implicated in this case without any specific allegation. Moreover, the injuries, alleged to have sustained to the police personnel also falsifies the prosecution case for the simple reason that the injury report suggests that no external injury found, except pain in both palms and lower lateral portion of the forearm. The petitioner bears a fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceedings of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that apart from obstruction caused in discharge of official duty, the



petitioner has also found involved in theft of the motorcycle.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation against Domy Ray, who has already been arrested by the police at the spot and so far the present petitioner is concerned, apart from lacking specific allegation, he is a man of fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saharsa in connection with Nauhatta P.S. Case No. 97 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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