

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27659 of 2024

Arising Out of PS. Case No.-924 Year-2023 Thana- BARACHATTI District- Gaya

1. MANOJ MALAKAR @ MANOJ @ MANOJ KUMAR SON OF LAKHAN MALAKAR @ RAM LAKHAN MALAKAR RESIDENT OF VILLAGE - ITWA, P.S. - MOHANPUR, DISTRICT - GAYA
2. BAJRANG MALAKAR @ BAJRANG KUMAR SON OF VIJAY MALAKAR RESIDENT OF VILLAGE - ITWA, P.S. - MOHANPUR, DISTRICT - GAYA
3. CHANDAN SAW @ CHANDAN KUMAR SON OF RAJENDRA SAW RESIDENT OF VILLAGE - ITWA, P.S. - MOHANPUR, DISTRICT - GAYA
4. ROHIT AGRAWAL @ ROHIT KUMAR SON OF GOPAL AGRAWAL @ GOPAL PRASAD AGRAWAL RESIDENT OF VILLAGE - ITWA, P.S. - MOHANPUR, DISTRICT - GAYA
5. KUNDAN MALAKAR @ KUNDAN KUMAR SON OF CHANDO MALAKAR @ CHANDRIKA BHAGAT RESIDENT OF VILLAGE - ITWA, P.S. - MOHANPUR, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Diksha Kumari, Advocate.
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2024 Heard Mr. Diksha Kumari, learned counsel appearing on behalf of the petitioners and Mr. Ram Bilash Roy Raman, learned APP for the State.

2. At the outset, learned counsel appearing on behalf of the petitioners seeks to withdraw the bail application on behalf of petitioner nos. 1, 3 and 4 submitting that the petitioner nos. 1, 3 and 4 have been arrested during the pendency of the present bail application. Hence, the prayer for pre-arrest bail on



behalf of petitioner nos.1, 3 and 4 stands dismissed as infructuous.

3. The petitioner nos. 2 and 5 seek pre-arrest bail in connection with Barachatti (Mohanpur) P.S. Case No. 924 of 2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code.

4. As per the allegation made in the F.I.R., due to scuffle between two groups of different religion, both the sides engaged in fierce fight and sustained injuries.

5. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and the allegation levelled them is general and omnibus and no injury has been caused by their assault. The petitioner nos. 2 and 5 deserve to be released on pre-arrest bail considering the fact that altogether 24 named and 5-10 unknown persons were involved in the alleged incidence.

6. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner nos. 2 and 5.

7. Considering the nature of allegation against the petitioner nos. 2 and 5 being general and omnibus, they are directed to be released on pre-arrest bail, in the event of their



arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 924 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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