

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27769 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- MALSALAMI District- Patna

Kundan Kumar Male, aged about 22 years son of Amod Kumar @ Amod Ray
resident of Mohalla- Rikabganj, Near Ganga Mandir, P.S- Malsalami, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2024 Heard Mr. Rudra Deo, learned counsel appearing on
behalf of the petitioner and Mr. Anuj Kumar Shrivastava,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Malsalami P.S. Case No. 31 of 2024, registered for the
offence punishable under Sections 341, 323, 504, 379 and 34 of
the Indian Penal Code.

3. As per the allegation made in the FIR, petitioner
along with other co-accused had assaulted the informant and his
family members and had also snatched gold chain and Rs.
5,000/- from the informant, due to dispute relating to claiming
right over the passage.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. He further submitted that due to enmity between the parties for claiming right over the passage, a false case has been lodged against the petitioner. Petitioner is nowhere concerned with the alleged incidence. There is no specific allegation that the petitioner or any of the family members of the petitioner had assaulted the informant and his family members. He further submitted that allegation of assault made by the petitioner has not been substantiated by any injury. 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 rival submissions made on behalf of the parties, as well as, the fact that petitioner has assaulted the informant and his family members has not been substantiated by any injury, 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/her 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 A.C.J.M. 1, Patna City, Patna, in connection with Malsalami P.S. Case No. 31 of 2024, 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)

Niraj/-

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