

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38318 of 2024

Arising Out of PS. Case No.-204 Year-2023 Thana- EKANGARSARAI District- Nalanda

Kakku Kumar @Nishikant Kumar, aged about 24 years, Male, Son of Sunil Kumar, resident of Village- Habbipur Naya Ahar, Shivnagar, P.S.- Parawalpur, District- Nalanda, Pin-801301

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Ms. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2024 Heard Mr. Rajesh Kumar, learned counsel

appearing on behalf of the petitioner and Ms. Rita Verma,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Ekangarsarai P.S. Case No. 204 of 2023, registered for the offence punishable under Sections 341, 323, 147, 148, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, when the patrolling team had received secret information that some miscreants were engaged in firing, they had reached the place of occurrence and upon enquiry, it was found that petitioner and some other accused persons were engaged in firing due to rivalry.



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 at the time, patrolling team had reached the place of occurrence, petitioner was not found firing, however, he has been made accused in a false case. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on 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 no injury has been caused to anyone and 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/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., Hilsa, Nalanda, in connection with Ekangarsarai P.S. Case No. 204 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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