

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39890 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- PARAIYA District- Gaya

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1. SUNNY KUMAR, Male, aged about 19 years, S/O SOHAN BIND
 2. VIKASH KUMAR, Male, aged about 19 years, S/O MOHAN BIND, Both are R/O MARANCHI, P.S- PARAIYA, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-09-2024 At the outset, learned counsel appearing on behalf of the petitioners submits that petitioner no.1 has been arrested and, as such, he seeks to withdraw the present petition with respect to petitioner no.1.

2. Accordingly, the present petition is dismissed as withdrawn with respect to petitioner no.1.

3. Heard Mr. Sanjay Kumar Sinha, learned counsel appearing on behalf of the petitioner and Mr. Rajesh Kumar, learned APP for the State.

4. The petitioner no.2 seeks pre-arrest bail in connection with Paraiya P.S. Case No. 265/2023 registered for the offence(s) punishable under Sections 147, 148, 149, 323, 341, 325 and 307 of the Indian Penal Code.



5. As per the allegation made in the FIR, the accused persons named therein including the petitioner had assaulted the informant and his friends, as a result of which, they sustained injuries.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. No specific allegation has been made against the petitioner rather the allegation is general and omnibus. Petitioner has clean antecedent. Similarly situated co-accused have been granted bail by this Court vide Annexure 2.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

8. Considering the nature of allegation made in the FIR, as well as, the fact that general and omnibus allegation has been made against the petitioner, who has clean antecedent, I am of the opinion that petitioner No.2 has, prima facie, made out a case to be released on pre-arrest bail.

9. The petitioner No.2, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, XIII, Gaya in connection with Paraiya P.S. Case No. 265/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. The learned District Court is directed to verify the criminal antecedent of the petitioner no.2 and if it is found that the petitioner no.2 is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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