

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47215 of 2024

Arising Out of PS. Case No.-77 Year-2023 Thana- TIKAPATTI District- Purnia

Diwargar Singh @ Digambar Singh @ Diwagar Singh, aged about 20 years,
Male, Son of Domi Singh, resident of Village- Dumari, P.S.- Tikapatti,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-08-2024 Heard Mr. Bijendra Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Chandra Sen
Prasad Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Tikapatti P.S. Case No. 77 of 2023, registered for the
offence punishable under Sections 341, 323, 504, 506, 307, 379
and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, five named
accused persons including the petitioner along with twenty
unknown persons, had reached the shop of the informant and
had demanded article for free and on refusal of the same, they
had assaulted the petitioner by means of *fire-arms*, *lathi* and
iron rod, due to which, the informant and his family members



had sustained injuries.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and have falsely been implicated in the present case. General and omnibus allegation has been levelled against the petitioner. Mother of the informant namely, Kalwati Devi, had sustained grievous injury, however, the same is not on the vital part of the body. Petitioner has clean antecedent. 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 general and omnibus allegation has been levelled against the petitioner and the 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 learned District Court 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 J.M. 1st Class, Purnea, in connection with Tikapatti P.S. Case No. 77 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court 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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