

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49019 of 2024

Arising Out of PS. Case No.-800 Year-2023 Thana- SAHARSA SADAR District- Saharsa

1. Amit Kumar @ Amit Yadav Son Of Late Jagarnath Yadav Resident Of Village - Patuaha, Ward No. 24, P.S. - Saharsa, District - Saharsa
2. Bindu Devi Wife Of Amit Kumar Resident Of Village - Patuaha, Ward No. 24, P.S. - Saharsa, District - Saharsa
3. Lalo Devi Wife Of Ritesh Kumar Resident Of Village - Patuaha, Ward No. 24, P.S. - Saharsa, District - Saharsa
4. Soman Devi @ Sintu Devi @ Sonam Devi Wife Of Dhirendra Yadav Resident Of Village - Patuaha, Ward No. 24, P.S. - Saharsa, District - Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-08-2024 Heard Mr. Nafisu Zzoha, learned counsel appearing on behalf of the petitioners and Mr. Umesh Lal Verma, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Saharsa (Sadar) P.S. Case No. 800 of 2023 registered under Sections 341, 323, 325, 447, 307, 354(B), 379, 384, 504, 506/34 of the Indian Penal Code and 27 of the Arms Act.

3. As per the allegation made in the FIR, the accused persons named therein, including the petitioners, had assaulted the informant and his family members, with an intention to kill, in which one Lalan Kumar sustained serious injuries.



4. Learned counsel appearing on behalf of the petitioners submitted that so far as, petitioners no.2, 3 and 4 are concerned, there are general and omnibus allegations levelled against them and they were also part of a mob, armed with lethal weapons. Learned counsel further submitted that petitioners no.2, 3 and 4 are female members of the family. However, in absence of any specific allegation of assault against them they seek to be released on bail.

5. Learned counsel submitted that so far as, allegation against petitioner no.1 is concerned, there is a direct allegation against him of assaulting the victim Lalan Kumar on his leg, hand and head by iron rod, however, as per the opinion of doctor, the victim has sustained only hand injury. On these grounds, the petitioner no.1 seeks to be released on pre-arrest bail.

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

7. Having considered the rival submissions made on behalf of the parties, I find that there is general and omnibus allegation levelled against the petitioners no.2, 3 and 4, I am of the opinion that petitioners no.2, 3 and 4 have, *prima facie*, made out a case to be released on pre-arrest bail. The learned



District Court is directed to release the petitioners no.2, 3 and 4 on anticipatory bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa (Sadar) P.S. Case No. 800 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. So far as, the petitioner no.1 (Amit Kumar) is concerned, there is a direct allegation against him of assaulting the Lalan Kumar (victim) by means of iron rod, I am not inclined to grant pre-arrest bail to him. However, he may surrender before the learned District Court for regular bail and the learned District Court is directed to hear the regular bail application of the petitioner no.1 and pass a necessary order on the same day.

9. Accordingly, the present pre-arrest bail application stands disposed of.

(Purnendu Singh, J.)

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