

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55733 of 2024

Arising Out of PS. Case No.-569 Year-2022 Thana- KESARIA District- East Champaran

1. Amit Kumar Singh S/o Sanjay Singh R/o vill - Konhiya, P.S. - Kesariya, Distt. - East Champaran
2. Mithilesh Kumar S/o Manoj Patel R/o vill - Konhiya, P.S. - Kesariya, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Indihar Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-08-2024 Heard Mr. Abhishek Kumar, learned counsel appearing on behalf of the petitioners and Dr. Indihar Kumari, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Kesariya P.S. Case No. 569 of 2022 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 379 and 504 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., while the informant was going to plough his field with his tractor, all the accused persons named in the F.I.R., including the petitioners assaulted him with an intention to kill him. Specific allegation against petitioner no.1 is that he had opened fire.



4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have committed no offence as alleged. Both the parties are neighbours and due to the dispute with regard to pathway, a false case has been lodged against the petitioners. The allegation levelled against the petitioners is general and omnibus. The allegation against the petitioner no.1 that he had opened fire is ornamental to implicate the petitioner in a false case. Learned counsel admits that opinion of the doctor, in so far as the injury sustained by the informant, is reserved, but from perusal of the F.I.R., the allegation against the petitioners being general and omnibus, they deserve to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the nature of allegation against the petitioners to be general and omnibus, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Motihari, East Champaran in connection with Kesariya P.S.



Case No. 569 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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