

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58141 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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1. Nityanand Kumar @ Nityanand Kr. Son of Prabhakar Singh @ Pravakar Singh R/O- VILLAGE- MOHABBATPUR, P.S.- SHEKHOPUR SARAI, DISTT.- SHEIKHPURA (BIHAR)
 2. SACHIDANAND KUMAR SON OF PRABHAKAR SINGH @ PRAVAKAR SINGH R/O- VILLAGE- MOHABBATPUR, P.S.- SHEKHOPUR SARAI, DISTT.- SHEIKHPURA (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vinay Kumar Mishra, Advocate.
For the Opposite Party/s	:	Dr. Indihar Kumari, APP.
For the Informant	:	Mr. Gajendra Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-09-2024 Heard Mr. Vinay Kumar Mishra, learned counsel appearing on behalf of the petitioners; Dr. Indihar Kumari, learned APP for the State and Mr. Gajendra Kumar Singh, learned counsel for the Informant.

2. At the outset, learned counsel appearing on behalf of the petitioners seeks to withdraw the prayer for pre-arrest bail of petitioner no.1 submitting that the petitioner no.1 has been arrested during the pendency of the bail application. Accordingly, the prayer for pre-arrest bail of petitioner no.1 is dismissed as withdrawn.

3. The petitioner no.2 seeks pre-arrest bail in



connection with Shekhopur Sarai P.S. Case No. 49 of 2024 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506 and 379 of the Indian Penal Code.

4. As per the allegation made in the F.I.R., all the accused persons including petitioner no.2 after breaking the lock entered into the store room of the school premises and when resisted they assaulted the brother of the informant causing multiple injuries with intention to kill.

5. Learned counsel appearing on behalf of the petitioner no.2 submitted that that the petitioner no.2 is innocent and he has not committed any offence as alleged. He was not involved in any manner with the alleged offence nor he had forcibly entered the school premises or had tried to unlock the lock of the store room. General and omnibus allegation has been levelled against the petitioner no.2 that he was one who had assaulted the informant and his brother who sustained multiple injuries. On these ground, learned counsel seeks that the petitioner no.2 be released on pre-arrest bail.

6. Mr. Gajendra Kumar Singh, learned counsel tendered his appearance on behalf of the informant and submitted that petitioner no.2 is the one who is instrumental and in a well planned manner by unlocking the lock had entered into



the store room of the school which was resisted by the brother of the informant and when the informant came there he was brutally assaulted by the accused persons including the petitioner no.2, hence petitioner no.2 don't deserve to be released on pre-arrest bail.

7. Learned APP for the State also opposed the prayer for grant of pre-arrest bail to petitioner no.2 supporting the argument advanced on behalf of the informant.

8. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made in the F.I.R. and the fact that the direct allegation of assault is against co-accused Nityanand Kumar who has been arrested and had assaulted the brother of the informant brutally causing three head injuries and the allegation against the petitioner no.2 is that he had forcibly entered into the store room of the school by unlocking the lock, I find that the petitioner no.2 has, prima facie, made out a case to be released on 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 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 Chief Judicial Magistrate, Sheikhpura in connection with Shekhopur Sarai P.S. Case No. 49 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The 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 Para-3 of the bail petition, this order will automatically lose its force.

11. The bail application stands disposed of.

(Purnendu Singh, J)

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