

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55726 of 2024

Arising Out of PS. Case No.-287 Year-2024 Thana- BAKHTIYARPUR District- Patna

- =====
1. Hari Mohan Singh
2. Shiv Mohan Singh
Both sons of Late Rameshwar Singh
Both Resident of Village- Champapur PS- Bakhtiyarpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Saurav Kumar Suman, Advocate
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP
For the Informant : Mr.Anand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 31-08-2024 Heard learned counsel appearing on behalf of the

petitioners and learned APP for the State.

2. At the very outset, learned counsel appearing on
behalf of the petitioners seeks permission to withdraw the
present bail application in respect of petitioner no.1 (Hari
Mohan Singh) in the event of the fact that the petitioner no.1 has
been arrested during the pendency of the present bail
application.

3. In view of the above submissions, the bail
application filed on behalf of the petitioner no.1 is dismissed as
withdrawn.



4. So far as, petitioner no.2 is concerned, he seeks pre-arrest bail in connection with Bakhtiyarpur P.S. Case No.287 of 2024, registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 386, 379, 427, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

5. As per the allegation made in the FIR, the petitioner along with other co-accused persons kidnapped the informant and assaulted him brutally with an intention to kill him. Specific allegation is against Prince Kumar, Bal Krishna Singh and Nitish Kumar.

6. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and no specific allegation has been made against him. From bare perusal of the FIR, it would appear that he was a member of the mob and he has been implicated only for the reason that three criminal cases are pending against him, in which he is on bail.

7. Mr. Anand Kumar, learned counsel has tendered his appearance on behalf of the informant and has submitted that the petitioner is also one of the co-accused, on whose instance alleged kidnapping has taken place, there is also direct allegation of assault, as such, he can not be absolved from the complicity of committing the offence as alleged in the FIR.



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

9. Having considered the rival submissions made on behalf of the parties, as well as, considering the nature of the allegation levelled against the petitioner to be general and omnibus and there is no specific allegation of overtact against him, I find that the petitioner no.2 (Shiv Mohan Singh) has made out a case to be released on pre-arrest bail, petitioner no.2 is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned district 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III at Barh (Patna)/concerned court, in connection with Baktiarpur P.S. Case No.287 of 2024 subject to 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 and if it is found that the petitioner 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.



11. With the above observation/direction, the present
bail application stands disposed of.

(Purnendu Singh, J)

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