

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57523 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- MASHRAK District- Saran

1. Suraj Kumar Singh @ Suraj Singh Son Of Tarakeshwar Singh Resident Of Village - Dhawari Gopal, P.S. - Masrakh, District - Saran
2. Chandrabhushan Singh @ Bullet Singh Son Of Tejnarayan Singh Resident Of Village - Dhawari Gopal, P.S. - Masrakh, District - Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Tiwary, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-10-2024 Heard Mr. Rabindra Tiwary, learned counsel appearing on behalf of the petitioners and Mr. Nirmal Kumar Sinha, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Mashrakh P.S. Case No. 68 of 2024 registered for the offence punishable under Sections 341, 323, 324, 307 and 34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., the petitioners with a common intention to kill the informant had assaulted in his abdomen by knife. The specific allegation against the petitioner no.1 is that he made assault of knife in the abdomen of the informant while petitioner no.2 had caught hold the informant.

4. Learned counsel appearing on behalf of the



petitioners submitted that the petitioners are innocent and they have falsely been implicated in the present case. Learned counsel further submitted that the present F.I.R. has been lodged after much delay as the incident had occurred on 31.01.2024 and the F.I.R. has been lodged on 11.02.2024 while the police station is just 3 kms. away from the place of incident. Learned counsel also submitted that the delay in lodging of the F.I.R. itself shows that the informant after some injury was admitted in the hospital and with a grudge to involve the petitioners in a criminal case has lodged the present case in a preliminary planned manner.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R., I find that there is direct allegation against the petitioner no.1, who is having one criminal antecedent that he had assaulted in the stomach of the informant causing injury by means of knife and the allegation against the petitioner no.2 is that he had caught hold of the informant in said commission of offence. So far as petitioner no.2 is concerned, since the allegation against him is to be ornamental, he 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 A.C.J.M. 7th, Saran at Chapra in connection with Mashrakh P.S. Case No. 68 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. So far as petitioner no.1 is concerned, I am not inclined to enlarge him on anticipatory bail. However, he may surrender before the learned District Court and seek regular bail. The learned District Court is directed to hear the regular bail application of the petitioner no.1 on same day.

8. The Court below is directed to verify the criminal antecedent of the petitioner no.2 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner no.2 as what has been stated in paragraph no. 3, this order will lose its force automatically.

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

(Purnendu Singh, J)

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