

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55861 of 2024

Arising Out of PS. Case No.-39 Year-2018 Thana- SARAIYA District- Muzaffarpur

DEVA KUMAR @ DEVANAND KUMAR, aged about 24 years, Male S/O
RAMDAYAL SAH, wrongly mentioned in FIR as Manoj Sah, R/O
VILLAGE- BAHILWARA ROPPNATH, P.S- SARAIYA, DISTT.-
MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Sinha, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-08-2024 Heard Mr. Jitendra Sinha, learned counsel appearing
on behalf of the petitioner and Mr. Syed Mojibur Rahman,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Saraiya P.S. Case No. 39 of 2018 registered for the
offence(s) punishable under Sections 354(A), 354(B) and 34 of
the Indian Penal Code.

3. As per the allegation made in the FIR, co-accused
Aman Kumar had committed wrong with the minor daughter of
the informant and the petitioner wanted to assault the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner had no apprehension of



being arrested, though the FIR has been lodged in the year 2018, the Investigation Officer has started searching for arrest of the petitioner now, forcing the petitioner to move before this Court. Learned counsel further submitted that co-accused Aman Kumar has already been released on bail by a co-ordinate Bench of this Court vide Annexure P/2, against whom there is a direct allegation of committing wrong against the daughter of the informant. Petitioner has clean antecedent.

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

6. Considering the nature of allegation made in the FIR against the petitioner and co-accused against whom there is a direct allegation of committing wrong with the daughter of the informant has been released on bail and also the fact that petitioner had no reason for being apprehended, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional District & Sessions Judge-cum-Special Judge, POCSO-II, Muzaffarpur or his Successor in connection with Saraiya P.S. Case No. 39 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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