

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59494 of 2024

Arising Out of PS. Case No.-598 Year-2023 Thana- KESARIA District- East Champaran

Aman Kumar Son of Motilal Baitha, Resident of the Village - Siswa Patna,
P.S. - Kesariya in the District of East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Shankar Prasad Yadavadv, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-09-2024 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Kesariya P.S.Case No.598 of 2023 registered for the offences
punishable under Sections 341, 323, 324, 307,504, 506 and 341
of the Indian Penal Code .

3. As per the allegation made in the FIR, all the
accused persons in a planned manner on a false assurance had
deceived the informant and assaulted him brutally with an
intention to kill him.

4. Learned counsel appearing on behalf of the
petitioner submitted that the present is one case in which the
nexus prosecution has been lodged against the petitioner and
other accused persons. Learned counsel further submitted that



from perusal of the FIR, it will appear that the alleged incident has taken place on 02.11.2023 and the FIR has been lodged on 17.12.2023, after much delay, while the Police Station is just only 11 K.M. away from the alleged place of occurrence. Learned counsel also submitted that due to failure of negotiation, a false case has been lodged against the petitioner. Earlier, the mother of the petitioner had lodged a complaint case bearing No.C-3064 of 2023, which is pending between the parties. As would appear from the record of the case that Kesariya P.S.Case No.520 of 2023 is also pending between the parties. No specific allegation of assault is against the petitioner.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, the nature of allegation made in the FIR and general and omnibus allegation has been alleged against the petitioner, I am of the opinion that the petitioner has made out a case to be released on pre-arrest bail. The petitioner is directed to be released on pre-arrest bail, 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 Miss Nandani Suman, J.M. Ist Class, East Champaran at Motihari/concerned court in connection with Kesariya P.S.Case No.598 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

(Purnendu Singh, J)

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