

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62119 of 2024

Arising Out of PS. Case No.-132 Year-2022 Thana- ATRI District- Gaya

1. Gulshan Kumar, aged about 27 years, male Son of Ashok Singh.
2. Pawan Singh, aged about 54 years, male, Son of Late Ram Singh.
3. Nitish Kumar, aged about 20 years, male, Subodh Kumar @ Subodh Singh.
All resident of Village - Pandey Bigha, P.S. - Atri, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2024 Heard Mr. Vinod Kumar, learned counsel appearing
on behalf of the petitioners and Mr. Tapeswar Sharma, learned
APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Atri P.S. Case No. 132 of 2022, registered for the offence
punishable under Sections 147, 148, 149, 341, 323, 324, 325,
307, 379, 504, 506 of the Indian Penal Code and Section 27 of
the Arms Act.

3. As per the allegation made in the FIR, on
09.04.2022 at about 9.15 PM, all the accused persons variously
armed with weapon came into the house of informant and
started assaulting the family members of the informant. In



course of occurrence, co-accused, Kanhaiya Kumar and Angad Kumar snatched gold chain and *mangal sutra* worth of Rs.50,000/- from the neck of wife of informant.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. General and omnibus allegation has been levelled against the petitioners. Injuries sustained by the informant are simple in nature. Similarly situated co-accused, namely, Tanik Singh @ Tanik Prasad Singh, has already been released on pre-arrest bail by this Court vide order dated 16.05.2023 passed in Criminal Miscellaneous No. 63361 of 2022. On these grounds, petitioners seek to be released on pre-arrest bail.

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

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that general and omnibus allegation has been levelled against the petitioners. Injuries sustained by the informant are simple in nature. Similarly situated co-accused, namely, Tanik Singh @ Tanik Prasad Singh, has already been released on pre-arrest bail by this Court vide order dated 16.05.2023 passed in Criminal Miscellaneous



No. 63361 of 2022. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XIII, Gaya, in connection with Atri P.S. Case No. 132 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Purnendu Singh, J)

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