

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59359 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- MANIHARI District- Katihar

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Dinesh Ray @ Dinesh Kumar aged about 30 years (Male) Son of Late Ashok Ray @ Ashok Mandal, Resident of Village - Manihari High School Tola, P.S.- Manihari, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Ajit Singh, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-09-2024 Heard Mr. Kunwar Ajit Singh, learned counsel appearing on behalf of the petitioner and Mr. Mukesh Kumar Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Manihari P.S. Case No. 278 of 2023, registered for the offence punishable under Sections 323, 341, 324, 307, 452, 354, 379, 427, 504, 506 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the accused persons named therein including the petitioner had entered into the shop of the informant and had assaulted the informant and her family member and also took away Rs. 45,000/- and gold chain from her shop.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. He further submitted that specific allegation of assault is against co-accused Sharwan Kumar, who had assaulted one Manish Kumar on his head by means of *Khanti*. Petitioner, at the best, can be considered to be one of the members of the mob. Petitioner has clean antecedent. On these grounds, petitioner seeks 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 specific allegation of assault is against co-accused Sharwan Kumar, who had assaulted one Manish Kumar on his head by means of *Khanti*. Petitioner, at the best, can be considered to be one of the members of the mob. Petitioner has clean antecedent. 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/her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar, in connection with Manihari P.S. Case No. 278 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Purnendu Singh, J)

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