

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63366 of 2024

Arising Out of PS. Case No.-224 Year-2023 Thana- JADIA District- Supaul

Mahendra Ram, aged about 33 years, Male, son of Kamleshwari Ram, a resident of Village- Parsagarhi, Tola Kupari, Ward No.3, P.S.- Jadiya, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-12-2024 Heard Mr. Harish Kumar, learned counsel appearing on behalf of the petitioner and Mr. Abhay Kumar Roy, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Jadiya P.S. Case No. 224 of 2023 registered for the offence(s) punishable under Sections 341, 323, 427, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, the accused persons named therein including the petitioner, who are close relatives of the informant, have allegedly threatened the informant and his family members. Specific allegation against the petitioner is that he had opened fire upon the informant.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. The family members were indulged in family dispute for mutual adjustment of their respective share, which has been disputed by the informant and thereafter a false case has been lodged against the petitioner and other co-accused. Specific allegation against the petitioner is that he had opened fire upon the informant, however, in absence of any injury, the said allegation cannot be sustained. Other co-accused persons, namely, Uriya Devi and Kamleshwari Ram, have already been released on pre-arrest bail by this Court vide order dated 07.08.2024 passed in Criminal Miscellaneous No. 47397 of 2024. 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 nature of allegation made in the FIR and also the fact that 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 learned District Court 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 ACJM-II, Supaul in connection with Jadiya P.S. Case No. 224 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. 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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