

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64760 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

Satyam Kumar @ Satyam Singh, S/O Shambhu Singh @ Shambhu Nath Singh, R/O Village - Badki Kothiya, Police Station - Buxar Industrial, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-12-2024 Heard Mr. Parijat Saurav, learned counsel appearing on behalf of the petitioner and Mr. Surendra Kuma, learned APP appearing on behalf of the State.

2. The petitioner seeks pre-arrest bail in connection with Buxar Industrial P.S. Case No. 62 of 2024 registered for the offence punishable under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the F.I.R., the petitioner alongwith other accused persons are said to have opened fire and assaulted the informant, with an intention to kill him. Specific allegation is against one Dinesh Kumar Yadav that he, by means of butt of the pistol, had assaulted the informant



and the injury was found to be grievous in nature.

4. Learned counsel appearing on behalf of the petitioners submitted that though there is specific allegation against one Dinesh Kumar Yadav that he by means of butt of the pistol had assaulted the informant on head, but the said allegation is concocted one, considering the fact that some injury might have been caused on the body of the informant by the said Dinesh Kumar Yadav, which was caused by him in his self-defence, as both the parties indulged into fierce fight. Learned counsel further submitted that in para-4 of the impugned order, it has been recorded that injury report of the informant is enclosed with case diary and informed that in para-49 of the case diary, in which injury has been shown to be suffered by the informant on the scalp caused by hard and blunt object. He further submits that specific allegation is against one Dinesh Kumar Yadav and the petitioner is one of the members, who had fired upon the informant. The other accused have been released on pre-arrest bail vide order dated 31.08.2024 passed in Cr. Misc. No.55795 of 2024. So far as, the petitioner is concerned, the allegation levelled against him is general and omnibus. There is case and counter case between the parties. On these grounds, the petitioner seeks to be released on 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 is against one Dinesh Kumar Yadav and a general and omnibus allegation has been levelled against the petitioner. There is case and counter case between the parties and the other accused have been released on pre-arrest bail vide order dated 31.08.2024 passed in Cr. Misc. No.55795 of 2024, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory 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 learned Chief Judicial Magistrate, Buxar/Successor Court in connection with Buxar Industrial P.S. Case No. 62 of 2024, 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 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.)

Ashishsingh/-

U		T	
---	--	---	--

