

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69707 of 2024

Arising Out of PS. Case No.-157 Year-2024 Thana- TEKARI District- Gaya

Sanoj Kumar @ Saroj Kumar @ Sanoj Yadav @ Sanoj Kumar Army, Son of
Pyarchand Yadav, Village- Shivnagar, Ps- Tekari, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 23-10-2024 Heard learned counsel appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Tekari P.S. Case No. 157 of 2024, registered for the
offences punishable under Sections 341, 323, 307, 379, 504, 506
and 34 of the Indian Penal Code.

3. Allegedly while the informant was going to his
home, in the meanwhile the petitioner alongwith others
intercepted him and assaulted by means of iron rod and butt of
pistol, due to which the informant suffered serious injury.

4. Learned Advocate appearing on behalf of the
petitioner drawing the attention of this Court to the narrations
made in the FIR contended that there is no specific allegation of



any assault, rather the omnibus allegation has been levelled against all the FIR named accused persons. It is further contended that the alleged occurrence took place on 27.03.2024 but, surprisingly the FIR has been instituted on 01.04.2024, after delay of four days, without any explanation. There is a counter version of the present case being Tekari P.S. Case No. 158 of 2024, instituted by one of the accused Munna Yadav. It is lastly contended that in fact both the parties are agnates and because of a trifle, they have entered into a free fight, resulting into injuries to persons of both the sides, however the prosecution has failed to explain the injuries sustained to the persons of the petitioners side. The petitioner bears fair antecedent and he undertakes before this Court that he will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and the submits that the petitioner has actively participated and assaulted the informant by means of pistol butt.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation coupled with the delay in lodging of the FIR and the fair antecedent of the petitioner, let the petitioner above named



be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Gaya in connection with Tekari P.S. Case No. 157 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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