

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79459 of 2024

Arising Out of PS. Case No.-369 Year-2023 Thana- KHUSRUPUR District- Patna

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Gautam Kumar @ Feti @ Ketu Son of Jailal Yadav Village- Yusufpur, P.S.-
Khusrupur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-12-2024 Heard Mr. Anirudh Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Anish Chandra,

learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Khusrupur P.S. Case No.369 of 2023, registered for the offences

punishable under Sections 147, 148, 149, 341, 323, 307 and 504

of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, two groups

were engaged in fierce fight and several weapons were

recovered from the place of the said occurrence. An FIR has

been lodged by the Police for the said incident.

4. Learned counsel appearing on behalf of the

petitioner submitted that petitioner is innocent and he has falsely

been implicated in the present case. Learned counsel further



submitted that no specific allegation has been alleged against the petitioner. The alleged recovery of the arms was made from the place of occurrence and not from the possession of the petitioner. There is case and counter case between the parties. Other co-accused has been granted bail vide order dated 17.02.2024 passed in Cr. Misc. No.6522 of 2024. There is no criminal antecedent against the petitioner. 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 to the petitioners.

6. Having considered the rival submissions made on behalf of the parties and considering the nature of allegation made in the FIR, it appears that the petitioner was only member of the mob, in which the fierce fight took place between two groups and the petitioner has clean antecedent, as well as, one co-accused has been granted bail vide order dated 17.02.2024 passed in Cr. Misc. No.6522 of 2024, the petitioner is directed to be released on pre-arrest 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 Judicial Magistrate Ist Class, Patna



City /concerned court, in connection with Khusrupur P.S. Case No.369 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The 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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