

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84203 of 2023

Arising Out of PS. Case No.-142 Year-2021 Thana- KHUTAUNA District- Madhubani

Satya Narayan Tanti @ Satya Narayan Das, Age about- 50 years, Gender- Male, Son Of Tufani Tanti, Resident of Village- Parasahi, Sirsiya, P.S.- Khutauna, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-01-2024 Heard Mr. Ashwani Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Ajit Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Khutauna P.S. Case No. 142 of 2021 / G.R. No. - 1761 of 2021 registered for the offence punishable under Sections 341, 323, 379, 186, 188, 353, 34 of the Indian Penal Code and Section 3/4 of the Prevention of Damage of Public Property Act, 1984.

3. As per the allegation made in the FIR, the accused persons named therein along with other had illegally excavated soil from the canal. FIR has been lodged by a government official.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been dragged in a false case as name of his son appears in the FIR. Son of the petitioner, namely, Ram Kumar Das, has already been released on bail by the learned Session Judge, Madhubani vide order dated 29.03.2022. 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, as well as, the fact that on mere suspicion, the petitioner has been dragged in the present case on the basis of the fact that the son of the petitioner has been named in the FIR, who has already been granted bail by the learned Court below. 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 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 A.C.J.M.-1st, Jhanjharpur, Madhubani, in



connection with Khutauna P.S. Case No. 142 of 2021 / G.R. No. - 1761 of 2021, 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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