

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2981 of 2024

Arising Out of PS. Case No.-445 Year-2023 Thana- SITAMARHI District- Sitamarhi

Sanoj Kumar aged about 27 years (Male), Son of - Mahendra Sah, resident of village - Mohanpur, Ward no. 9, P.S. and District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-07-2024 Heard Mr. Anil Kumar, learned counsel appearing on behalf of the petitioner and Mr. Harendra Prasad, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Sitamarhi P.S. Case No. 445 of 2023, registered for the offence punishable under Sections 341, 323, 324, 307, 504, 506 , 379 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused persons including the petitioner, had abused and assaulted the informant by means of *lathi*, *danda* and *dabiya* and also snatched golden locket, mobile and cash of Rs. 30,000/-.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. He further submitted that



the allegation against the petitioner is that he had assaulted the informant by means of *dabiya*, which caused injury on his wrist, which is not the vital part of the body. He further informs that another co-accused, namely, Anish Kumar and Shivam Kumar, have already been released on bail vide order dated 19.03.2024 passed in CWJC No. 84599 of 2023. 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 rival submissions made on behalf of the parties, as well as, the fact that allegation against the petitioner is that he had assaulted the informant by means of *dabiya*, which caused injury on his wrist, which is not the vital part of the body and another co-accused, namely, Anish Kumar and Shivam Kumar, have already been released on bail vide order dated 19.03.2024 passed in CWJC No. 84599 of 2023. 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 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 Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi P.S. Case No. 445 of 2023, 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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