

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86036 of 2023

Arising Out of PS. Case No.-372 Year-2020 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Arun Kumar, aged 47 years (male), Son of Late Dwarika Prasad, Resident of village - Muralabigha, P.S. - Islampur, District - Nalanda. At present resident of House No. A/35, Ashokpuri, Khajpura, P.S. - Shastrinagar, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi, aged 43 years (female), wife of Ram Pravesh Yadav, R/o vill - Muralabigha, P.S. - Islampur, District. - Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-05-2024 Heard Mr. Ajay Mukherjee, learned counsel appearing on behalf of the petitioner and Mr. Binod Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 372(C) of 2020, registered for the offence punishable under Sections 341, 323, 468, 420, 280, 307, 504/34 of the Indian Penal Code but cognizance has been taken under sections 323, 341, 504, 379 and 406/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the accused persons including the petitioner had assaulted the complainant and had also snatched gold chain worth Rs.



40,000/- and clothes worth Rs. 60,000/- by breaking the Godrej of the complainant. It is also alleged that complainant had given Rs. 3,42,000/- to the petitioner to purchase land bearing Khata No. 61, Khesara No. 157 total measuring area 9 dismil.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and have falsely been implicated in the present case. Petitioner was the order giver and no specific allegation of assault has been made against the petitioner. He further submitted that not any document has been brought on record by the complainant in support of allegation made by him against the petitioner with respect to land in question. 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 petitioner was the order giver and no specific allegation of assault has been made against him in the FIR and complainant has not brought on record any document in support of allegation made by him against the petitioner with respect to land in question. 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 Judicial Magistrate 1st Class, Hilsa (Nalanda)/Court concerned, in connection with Complaint Case No. 372(C) of 2020, 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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