

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9043 of 2024

Arising Out of PS. Case No.-116 Year-2023 Thana- AAJAM NAGAR District- Katihar

1. Narayan Chandra Das @ Narayan Das son of Late Shiv Chandra Das @ Late Shiv Charan Das
2. Abhishek Kumar Das @ Amit Kumar Das son of Narayan Chandra Das @ Narayan Das
3. Sunil Kumar Das son of Narayan Chandra Das @ Narayan Das
All are resident of Village- Mukuriya PS- Azam Nagar Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Singh, Advocate
For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-02-2024 Learned counsel appearing on behalf of the petitioners at the outset submitted that during the pendency of the present application, petitioners No.1 and 2 were arrested and, as such, he seeks to withdraw the bail application on their behalf.

2. Accordingly, the present bail application is dismissed as withdrawn so far as petitioners no.1 and 2 are concerned.

3. Heard Mr. Raghvendra Singh, learned counsel appearing on behalf of the petitioner and Mr. Madan Kumar, learned APP for the State.

4. The petitioner no.3 seeks pre-arrest bail in



connection with Azam Nagar P.S. Case No. 116 of 2023 dated 04.04.2023 registered for the offence(s) punishable under Sections 341, 323, 324, 325, 308 and 379/34 of the Indian Penal Code.

5. As per the allegation made in the FIR, the accused persons including the petitioners assaulted the informant's son, Pramod Kumar, on his head and snatched his gold chain. Further allegation is that the accused persons also assaulted the informant and his other two sons, namely, Subodh Das and Manik Das and they also snatched Rs.16,000/- from them.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has been falsely implicated in this case. It is further submitted that though the injury of the Pramod Kumar is grievous in nature but the same has not been caused by the petitioner. There is case and counter case between the parties. It is further submitted that an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioner's side may have caused some injury on the person of the son of the informant. Petitioner has clean antecedent.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.



8. Considering the nature of allegation and also the fact that specific allegation of assault is against other co-accused persons and petitioner has clean antecedent, I am of the opinion that **petitioner no.3** has, prima facie, made out a case to be released on pre-arrest bail.

9. The **petitioner no.3, Sunil Kumar Das**, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Azam Nagar P.S. Case No. 116 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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