

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24378 of 2025

Arising Out of PS. Case No.-77 Year-2015 Thana- KISHANPUR District- Supaul

Om Prakash Choudhary @ Prakash Kumar Jaiswal S/O Late Rajendra Choudhary @ Rajendra Chaudhary R/O Village- Kumarganj, Ward No. 12, P.S- Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-05-2025 At the outset, learned counsel appearing on behalf of the petitioner submits that he will not place reliance upon Annexure P2 series, as well as, statement made in para no.14 of the petition.

2. Heard Mr. Pramod Mishra, learned counsel appearing on behalf of the petitioner and Mr. Lalan Kumar, learned APP for the State.

3. The petitioner seeks pre-arrest bail in connection with Kishanpur P.S. Case No. 77/2015 registered for the offence(s) punishable under Sections 147, 341, 342, 332, 333, 353, 323, 307, 427, 504 of the Indian Penal Code and Sections 3 and 4 of the Damage of Public Property Act.

4. As per the allegation made in the FIR, the accused



persons, including the petitioner, have blocked the road and not allowed the fire-brigade to move, creating hindrance in the performance of the official duty of the informant. Further allegation is that the petitioner, along with other co-accused, who were seven in number, damaged the windshield of the fire-brigade.

5. Learned counsel appearing on behalf of the petitioner submitted that though the FIR is of the year 2015, but non-bailable warrant was issued against the petitioner in the year 2024. He further submitted that petitioner is innocent and there was no apprehension of his arrest, being unaware of any criminal case pending against him, however, when non-bailable warrant was issued to the petitioner, petitioner immediately availed remedy of anticipatory bail before the learned District Court which was rejected vide order dated 29.01.2025. The allegation being general and omnibus, petitioner seeks to be released on pre-arrest bail.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. He has submitted that summons was issued to the petitioner for the first time in the year 2019 and bailable warrant was issued in the year 2021, as would appear from the impugned order dated 29.01.2025. The



petitioner, after committing the crime, has played with the law and, as such, petitioner don't deserve to be released on pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, the petitioner has pleaded that petitioner was unaware about the criminal case pending against him, which was lodged against seven accused persons, way back in the year 2015 and the record reveals that summons was issued to the petitioner for the first time in the year 2019 and thereafter bailable warrant was issued in the year 2021 and when the petitioner received non-bailable warrant in the year 2024, he immediately availed remedy by filing anticipatory bail before the learned District Court which was rejected vide order dated 29.01.2025. Considering the nature of allegation being general and omnibus, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioner, above named, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in



connection with Kishanpur P.S. Case No. 77/2015, subject to the conditions as laid down under Section 482(2) of the BNS.

9. 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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