

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41405 of 2025

Arising Out of PS. Case No.-52 Year-2017 Thana- KUNDWACHAINPUR District- East
Champaran

Sanjay Rai @ Sanjay S/o Biru Rai Resident of village-Bhasedwa, P.S-
Ghorasahan, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 15-10-2025 Heard Mr. Abhishek Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Chandra Sen
Prasad Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Kundwachainpur P.S. Case No. 52 of 2017 registered for
the offence(s) punishable under Sections
147,149,323,307,447,504,506 of the Indian Penal Code.

3. As per the allegation made in the FIR, allegedly the
petitioner, along with other accused persons, assaulted the
informant namely Abhay Kumar and his uncle namely
Chandrashekhar Prasad.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. The petitioner, though named in the FIR, was not aware of the any information that he has been made accused in the present case. He could only learn about the FIR after charge-sheet was submitted under bailable section. There was no question of his being apprehended, however, learned Additional Chief Judicial Magistrate V (Annexure - 2/1) took cognizance under Section 307 of the IPC and the petitioner, though after much delay, has come before this Court for seeking pre-arrest bail. The petitioner has clean antecedent and he has denied his complicity in the alleged offence. Other co-accused have already been released on pre-arrest bail by this Court *vide* order dated 03.01.2023 passed in Cr. Misc. No.59762 of 2022. On these grounds, the 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. He submitted that in view of direct allegation against the petitioner under Section 307 of the IPC, the petitioner don't deserve to be released on pre-arrest bail.

6. Having considered the rival submissions made on



behalf of the parties, as well as, the fact that the petitioner has given sufficient reason for seeking his remedy of pre-arrest bail only after order of cognizance has been taken under Section 307 of the IPC and from the FIR it appears that allegation against the petitioner is general and omnibus in nature and other co-accused have already been released on pre-arrest bail vide order dated 03.01.2023 passed in Cr. Misc. No.59762 of 2022, 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 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 District Court where the case is pending in connection with Kundwachainpur P.S. Case No. 52 of 2017, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. 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)

Ashishsingh/-

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