

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80305 of 2025

Arising Out of PS. Case No.-104 Year-2022 Thana- BARABAR TOURIST District-
Jehanabad

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Suraj Kumar @ Suraj Prakash, aged about 30 years, Male, Son of Shiyaram
Singh, Resident of Village- Gauharpur, P.S.- Khijarsaraye, District- Gaya.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Barabar Prayatan (Vishunganj) P.S. Case No. 104 of 2022
instituted for the offences punishable under Sections 341, 323,
307, 333, 338, 353, 504 and 506/34 of the Indian Penal Code.

3. As per allegation in the FIR, the informant was
returning from Mela duty from Barabar hill, then one
motorcyclist parked his bike on the way, when the informant
tried to remove his motorcycle, then all the accused persons
including the petitioner attacked on the police constable, due to
which the informant sustained head injury.

4. Learned counsel for the petitioner submits that
petitioner is innocent has committed no offence and has falsely



been implicated in this case merely on the basis of suspicion. He submits that the petitioner is not present at the spot. He further submits that the allegation against the petitioner is not specific rather general and omnibus. He next submits that similarly situated co-accused persons have already been granted anticipatory bail by a Co-ordinate Benches of this Court. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. From perusal of the FIR and the impugned order of the learned District and Sessions Judge, Jehanabad dated 21.09.2022, it appears that only on the basis of written report of the informant, FIR has been registered under Sections 341, 323, 307, 333, 338, 353, 504 and 506/34 of the Indian Penal Code against four co-accused persons including the present petitioner and the allegation is that he attacked on the police constable, due to which he sustained head injury. The injury report of the informant was treated by the doctor of sadar hospital which is simple in nature. Similarly situated co-accused persons namely, Ankit Kumar and Amit Kumar @ Amit @ Ganesh have already been granted anticipatory bail by a Co-ordinate Benches of this



Court in Cr. Misc. Nos. 31803 of 2023 and 76001 of 2023 vide orders dated 20.07.2023 and 10.11.2023, respectively, so considering all these aspects of the case and submission of learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, let the petitioner above named in the event of his arrest or surrender before the Court below within six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Jehanabad in connection with Barabar Prayatan (Vishunganj) P.S. Case No. 104 of 2022, subject to the conditions laid down in Section 482(2) of the BNSS.

(Ramesh Chand Malviya, J)

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