

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10428 of 2023

Arising Out of PS. Case No.-295 Year-2022 Thana- MITHANPURA District- Muzaffarpur

Md. Raju @ Abdul Kamran S/O Md. Abdul Ekram @ Abdul Ekaram
Resident of Village- Imampur Mohibalichak, P.S.- Habibpur, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Najmul Hodda, Advocate Ms. Shweta, Advocate Mr. Pranjal Kumar, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 05-05-2023 Heard Mr. Md. Najmul Hodda, learned counsel
appearing on behalf of the petitioner and Mr. Yogendra Kumar,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Mithanpura P.S. Case No. 295 of 2022 registered for the
offence punishable under Sections 341, 323, 384, 504 and
506/34 of the Indian Penal Code.

3. Petitioner and other accused persons are said to
have assaulted the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. He submitted that



occurrence took place on 28.08.2022 but the FIR has been lodged on 05.09.2022 after delay of 9 days without explaining any reasonable cause of delay. Post dated cheque has not been made part of the FIR. He further submitted that petitioner is not associated with co-accused Md. Razi Ahmad, who has already been released on bail by a co-ordinate Bench of this Court vide order dated 18.04.2023 passed in Criminal Miscellaneous No. 9016 of 2023. Petitioner has clean antecedent.

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

6. Considering the above facts and circumstances of the case, petitioner has clean antecedent and co-accused Md. Razi Ahmad has already been enlarged on pre-arrest bail by a co-ordinate Bench of this Court vide order dated 18.04.2023 passed in Criminal Miscellaneous No. 9016 of 2023, I am of the opinion that petitioner has *prima facie* made out a case to be enlarged on 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 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, Muzaffarpur East in connection with Mithanpura P.S. Case No. 295 of 2022, 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 loose its force automatically.

(Purnendu Singh, J)

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