

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9445 of 2023

Arising Out of PS. Case No.-550 Year-2022 Thana- MADHEPURA District- Madhepura

1. Md. Asfaque Son Of Md. Haleem R/O Vill.- Budhma, Ward No. 9, P.S.- Madhepura, Distt.- Madhepura
2. Md. Ashique Son Of Md. Haleem R/O Vill.- Budhma, Ward No. 9, P.S.- Madhepura, Distt.- Madhepura
3. Md. Arman Son Of Md. Haleem R/O Vill.- Budhma, Ward No. 9, P.S.- Madhepura, Distt.- Madhepura
4. Md. Nabud @ Md. Nabud Alam Son Of Late Kiyakat R/O Vill.- Budhma, Ward No. 9, P.S.- Madhepura, Distt.- Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Ms.Rina Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 550 of 2022 registered for the offences punishable under Sections 147, 341, 323, 324, 379, 354(A), 504, 506/34 of the Indian Penal Code. Petitioner nos. 1 to 3 have no criminal history and petitioner no. 4 has one criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, it is alleged that all the accused persons including the petitioners came and started



abusing and assaulting the informant because the informant had objected the accused persons for not flowing the toilet water in front of his door. Co-accused Md. Usman and Md. Azad assaulted him with rod to the husband of the informant.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that the allegations of assault are against co-accused Md. Usman and Md. Azad who are not before this court.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is submitted that the allegations of assault are against co-accused Md. Usman and Md. Azad who are not before this court, the allegations against petitioner no. 1 and 2 are general and omnibus whereas the allegations against petitioner no. 3 and 4 are only ornamental in nature, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Madhepura in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 550 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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