

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25199 of 2023

Arising Out of PS. Case No.-257 Year-2018 Thana- SABAUR District- Bhagalpur

1. Julfikar @ Md. Julfikar @ Julfkar, Aged about 40 Yrs, Male, Son Of Md. Jakir
2. Md. Osama @ Lallu @ Lalu, Aged about 60 Yrs, Male, Son Of Late Gani.
3. Md. Aasif, Aged about 25 Yrs, Male, Son Of Md. Mahboob
All are resident of Village- Pithna, P.S.- Goradih, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-07-2023 Heard Mr. Ranjan Kumar Jha, learned counsel
appearing on behalf of the petitioners and Mr. Akhileshwar
Dayal, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Sabour (Goradih) P.S. Case No. 257 of 2018 dated
23.08.2018 registered for the offence punishable under Sections
147, 149, 341, 323, 307 and 448 of the Indian Penal Code.

3. As per the allegation made in the FIR, five persons
including the petitioners are named in the FIR, who had
assaulted by means of iron rod, farsa and sabal to the informant,
his mother and daughter due to which, informant had sustained
head injury and his daughter and mother had also sustained



injury.

4. Learned counsel appearing on behalf of the petitioners submitted that there is general and omnibus allegation has been made against all the accused persons. Two co-accused persons namely, Md. Mehboob and Md. Rasid have already been released on bail vide order dated 10.07.2019 passed in Cr. Miscellaneous No. 42544 of 2019. He further submitted that final form has been submitted and the charge-sheet has been submitted against co-accused, namely, Md. Mehboob and Md. Rasid. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on bail.

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

6. Considering the nature of allegation made in the FIR, Final form has been submitted in favour of the petitioners. Two co-accused persons namely, Md. Mehboob and Md. Rasid against whom charge-sheet has been submitted have already been released on bail vide order dated 10.07.2019 passed in Cr. Miscellaneous No. 42544 of 2019 Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be



released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 257 of 2018 dated 23.08.2018, 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 petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

Niraj/Nilmani

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