

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18965 of 2023

Arising Out of PS. Case No.-127 Year-2022 Thana- JAMALPUR District- Darbhanga

1. MOJIBUR RAHMAN SON OF AZIZUR RAHMAN R/O VILLAGE AND P.S.- JAMALPUR, DISTRICT- DARBHANGA
2. SAIFUR RAHMAN SON OF MOJIBUR RAHMAN R/O VILLAGE AND P.S.- JAMALPUR, DISTRICT- DARBHANGA
3. ABU MOHAMMAD SON OF AZIZUR RAHMAN R/O VILLAGE AND P.S.- JAMALPUR, DISTRICT- DARBHANGA
4. MOHAMMAD WAKIL @ SABLEE @ SABLUSON OF ABU MOHAMMAD R/O VILLAGE AND P.S.- JAMALPUR, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Prasad Yadav, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 14-06-2023 Heard Mr. Gajendra Prasad Yadav, learned counsel appearing on behalf of the petitioners and Mr. Rajendra Prasad Nat, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Jamalpur P.S. Case No. 127 of 2022, dated 13.11.2022, registered under Sections 147, 341, 323, 324, 325, 308, 379, 504 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 09.11.2022, the informant was at his shop when accused petitioner Mojibur Rahman came and borrowed some articles.



The informant denied to buy the articles without money, upon which accused Mojibur Rahman started abusing the informant and called other accused persons. Upon the order accused Md. Wakil gave farsa blow on the head of the informant, but informant sustained hand injury in protesting aforesaid blow. Thereafter, all the accused persons assaulted the informant with iron rod. Accused Md. Saifur Rahman took away cash Rs. 2500/- from his pocket and accused Md. Abu Mohammad took away cash Rs. 10,500/- from cash box. Accused persons also looted articles from the shop of the informant. On alarm, son of the informant came in rescue, who was also assaulted.

4. Learned counsel appearing on behalf of the petitioners submit that there is general and omnibus allegation against petitioner nos. 1, 2 and 3. However, petitioner no. 4 is concerned, allegation of assault has been made against him and he has assaulted the informant by means of farsa, which caused injury on the right hand of the informant.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the nature of allegation made in the F.I.R. and also the fact that the informant is eye witness of the case has not alleged that petitioner nos. 1, 2 and 3 have



assaulted him. However, petitioner no. 4 is concerned, there is direct allegation against him that he has assaulted the informant to kill him with an intention to self- defence injury was caused on his right hand.

7. Considering the nature of allegation made against petitioner nos. 1, 2 and 3, I am of the opinion that petitioner nos. 1, 2 and 3 have made out a case to be released on bail, let the above named petitioner nos. 1, 2 and 3 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M.-I, Biraul, Darbhanga in connection with Jamalpur P.S. Case No. 127 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 nos. 1, 2 and 3 and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

9. So far as petitioner no. 4 is concerned, case diary is required, I am not inclined to enlarge the above named



petitioner no. 4 on pre-arrest bail. The bail application of above named petitioner no. 4 is rejected.

10. Petitioner no. 4 may surrender before the learned court below within a period of three weeks and seek regular bail within the aforesaid period.

11. The learned Court Below must pass order on the day when the regular bail application is moved by the petitioner.

12. No coercive steps will be taken against the above named petitioner no. 4 till three weeks.

(Purnendu Singh, J)

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