

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40926 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- BHAGWANPUR District- Begusarai

Md Mustafa @ Raja @ Mustafa @ Md Mustfa S/O Md. Nizam @ Md. Nijam
R/O Village- Atarua, Ps. Bhagwanpur, Dist. Begusarai

... .. Petitioner

Versus

The State Of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Bhagwanpur P.S. Case No.- 89 of 2023 registered for the offences punishable under Section 341, 342, 323, 307, 504, 506, 34 of the Indian Penal Code. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the petitioner along with other co-accused surrounded the informant's son and abused him. The co-accused Sushil Kumar assaulted the informant's son with a dagger blow in his stomach and another co-accused Manish Kumar caught hold his neck which resulted in grievous injury to the son of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. It is submitted that from the impugned order passed by learned court below it appears that the victim Niraj Kumar does not state the name of this petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein the specific allegation of dagger (knife) blow is against the co-accused Sushil Kumar causing a grievous injury to the son of the informant, so far as this petitioner is concerned, he is said to be involved in the alleged occurrence but from the impugned order passed by learned court below it appears that the victim Niraj Kumar as per Para 36 of the case diary does not state the name of this petitioner, this petitioner has otherwise no criminal antecedent, hence, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named shall be enlarged on bail in connection with Bhagwanpur P.S. Case No.- 89 of 2023 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, Begusarai., subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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