

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47352 of 2023

Arising Out of PS. Case No.-278 Year-2022 Thana- PALASI District- Araria

Md. Wasik @ Wasikur Rahman Son Of Aulad @ Md. Aulad Resident Of
Village- Shyampur Ward No. 12, PS- Palasi, Distt- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 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 Palasi P.S. Case No. 278 of 2022 registered for the offences punishable under Sections 147, 341, 323, 324, 307, 354B, 379, 504, 506 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 29.08.2022 at about 08:00 P.M., 15 FIR named accused persons including this petitioner variously armed came at the house of the informant and started abusing the informant and his family members and when the informant protested, the accused persons including this petitioner assaulted him with fists, kicks, farsa and sword. It is alleged that co-accused Nasim gave a farsa blow on the head of the informant, co-accused Sabir assaulted the informant by



sword on his hand and when the informant's younger brother came to rescue him, co-accused Md. Rojid and co-accused Jasim assaulted the younger brother of the informant by iron rod as a result of which he died. It is alleged that the accused persons tried to outrage the modesty of the wife of the younger brother of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the allegations against the petitioner are general and omnibus and there is no specific allegation of commission of any overt act against the petitioner. It is further stated that similarly situated co-accused Md. Taslim has been granted privilege of anticipatory bail in Cr. Misc. No. 46054 of 2023.

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

6. Having regard to the kind of allegations against the petitioner being general and omnibus in nature, there being no overt act alleged against the petitioner and that similarly situated co-accused Md. Taslim has been granted privilege of anticipatory bail in Cr. Misc. No. 46054 of 2023 and further that the petitioner has no criminal antecedent, this Court directs that



in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Palasi P.S. Case No. 278 of 2022 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 Additional Chief Judicial Magistrate-1st, Araria, 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)

SUSHMA2/-

U		T	
---	--	---	--

