

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58195 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- BAHERI District- Darbhanga

1. Md. Fakira Son Of Late Md. Kariman Village- Bhachchhi, Ps- Baheri, Dist- Darbhanga.
2. Md. Kudus @ Md. Quddus Son Of Md. Fakira Village- Bhachchhi, Ps- Baheri, Dist- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-10-2023 Heard Mr. Saurav Anand, learned counsel

appearing on behalf of the petitioners and Mr. Arun Kumar

Pande, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Baheri P.S. Case No.94 of 2023 dated 09.04.2023
registered for the offence punishable under Sections 341, 323,
324, 325, 307, 379, 384, 504, 506, 34 of the Indian Penal Code.

3. Prosecution story, in brief, is that due to disturbance
caused by the petitioners' side during *namaz* prayer, the
informant's side and petitioners' side entered into fight, in which
both the parties sustained injuries.

4. Learned counsel appearing on behalf of the

petitioners submitted that allegation made against the petitioners is general and omnibus nature. He submits that allegation made against the petitioner nos.1 and 2 is that they along with co-accused Md. Mustaq assaulted the victim Md. Idris and the specific allegation against the petitioner no.2 is that he assaulted on the hand of the victim Md. Idris with an iron rod. Learned counsel submits that the opinion of the doctor is that injuries caused to the informant are simple in nature and in support of his submission Annexure-4 has been produced on record.

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, as well as, the fact that injuries caused to the informant are simple in nature, I am of the opinion that petitioner has, *prima-facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is 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. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Darbhanga in connection with Baheri P.S. Case No.94 of 2023

dated 09.04.2023, subject to the condition as laid down under
Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

Ashishsingh/-

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