

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4236 of 2024

Arising Out of PS. Case No.-858 Year-2023 Thana- ARARIA District- Araria

Rais S/O Late Kalim @ Md. Kalim R/O Village- Bhangiya, Araria Basti,
Ward No. 10, P.S.- Araria (Bairgachhi), Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Naushaduzzoha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Md Naushaduzzoha, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Araria (Bairgachhi) P.S. Case No. 858 of 2023, registered
for the offences punishable under Sections 341, 323, 307 and
506/34 of the Indian Penal Code.

3. Allegedly, while the father of the informant was
taking meal in his house, in the meantime, co-accused Md.
Safique came there and assaulted him by means of sword with
the intention to kill. However, when the father of the informant
tried to save him through his hand, the same has amputated. It is
further alleged that the entire occurrence has taken place on the
instigation made by the petitioner, who is said to be the UP-



Mukhiya of the Panchayat.

4. It is submitted on behalf of the petitioner that even from the narratives made in the FIR, it is evident that the petitioner was neither present at the place of occurrence nor there is any direct material, suggesting the complicity of the petitioner. Moreover, co-accused Md. Safique and the father of the informant are none else but own brother and there is a land dispute pending between them. He next submitted that only on account of he being the UP-Mukhiya of Panchayat, on the instigation of unscrupulous person, his name has been implicated in this case, moreover, the petitioner is a man of fair antecedent and the specific allegation of assault has been levelled against Md. Safique.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner is said to be conspirator of the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the allegation levelled in the FIR, which remotely suggest the complicity of the petitioner in conspiracy and the specific allegation has been levelled against co-accused person, coupled with the fair antecedent of the petitioner, let the petitioner above named be released on bail, in



the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria (Bairgachhi) P.S. Case No. 858 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

shivank/-

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

