

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9347 of 2024

Arising Out of PS. Case No.-440 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Md. Mustafa Son of Late Salim
 2. Md. Tasalim Son of Baban Miya
 3. Md. Asagar, Son of Md. Ashalam
 4. Md. Afzal, Son of Md. Subhan
 5. Md. Samir Son of Md. Mustafa
 6. Md. Moin @ Md. Moeenuddeen, Son of Md. Subhan,
All are R/o vill - Dhurlakh, P.S. - Samastipur Muffasil, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-02-2024 Heard Mr. Rajeev Kumar, learned counsel appearing

on behalf of the petitioners and Mr. Syed Mojibur Rahman

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Samastipur Muffasil P.S. Case No. 440 of 2023 dated
30.09.2023 registered for the offence(s) punishable under
Sections 447, 341, 323, 324, 354, 307 and 504/34 of the Indian
Penal Code.

3. As per the allegation made in the FIR, all the
accused persons named therein had assaulted the informant and



one Md. Sanaullah, as a result of which, they sustained injury.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have been falsely implicated in this case due to land dispute between the parties. It is further submitted that petitioners are members of the mob and the allegation made against them is general and omnibus. Petitioners have clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation, as well as, the fact that there is land dispute between the parties, as has been recorded in paragraph no.3 of the impugned order and also the fact that petitioners have clean antecedent, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are 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. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Samastipur in connection with Samastipur Muffasil P.S. Case No. 440 of 2023, subject to the



conditions 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 petitioners 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 lose its force.

(Purnendu Singh, J)

Sanjay/-

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