

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20655 of 2024

Arising Out of PS. Case No.-222 Year-2023 Thana- SATHI District- West Champaran

1. Alihasan Mian S/O Moharram Mian R/O Village- Dhaminaha Pandey Tola, P.S- Sathi, Distt.- West Champaran.
2. Samsuddin Mian S/O Moharram Mian R/O Village- Dhaminaha Pandey Tola, P.S- Sathi, Distt.- West Champaran.
3. Jalaluddin Mian @ Jalauddin Mian S/O Moharram Mian R/O Village- Dhaminaha Pandey Tola, P.S- Sathi, Distt.- West Champaran.
4. Nabihasan Mian S/O Moharram Mian R/O Village- Dhaminaha Pandey Tola, P.S- Sathi, Distt.- West Champaran.
5. Satar Mian S/O Moharram Mian R/O Village- Dhaminaha Pandey Tola, P.S- Sathi, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-04-2024 Heard Mr. Sachida Nand Rai, learned counsel

appearing on behalf of the petitioners and Mr. Pranav Kumar,

learned APP appearing on behalf of the State.

2. At the outset, Learned counsel appearing on behalf
of the petitioner seeks to make necessary correction in the cause
title of the present bail application, in course of the day.

3. Permission is accorded.

4. The petitioners apprehend their arrest in connection
with Sathi P.S. Case No. 222 of 2023 registered under Sections



143, 341, 323, 447, 448, 427, 354(B), 379, 504, 506 of the Indian Penal Code.

5. As per the allegation made in the FIR, all the accused persons with an intention to kill the informant entered into his house and assaulted him and his wife.

6. Learned counsel appearing on behalf of the petitioners submitted that specific allegation is made against petitioner no.5 that he had assaulted and torn the clothes of the wife of the informant. So far as, petitioner no.1, 2, 3 and 4 are concerned, general and omnibus allegation has been alleged against them. He further submitted that injuries sustained by the wife of the informant, has been allegedly caused by the assault inflicted by the petitioner no.5, but the injuries are simple in nature. Petitioners have clean antecedent. On these grounds, the petitioners seek to be released on pre-arrest bail.

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

8. Considering the nature of allegation made in the FIR, as well as, the fact a general and omnibus allegation has been alleged against the petitioners. The injuries sustained by the wife of the informant are simple in nature, I am of the opinion that petitioners have, *prima facie*, made out a case to be



released on pre-arrest bail.

9. The District Court is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate-Ist Class, Bettiah, West Champaran in connection with Sathi P.S. Case No. 222 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The District Court is directed to verify the criminal antecedent of the petitioner(s), as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner(s), as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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