

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28305 of 2024

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

-
1. Md. Aslam Son of Md. Lal Mohammad @ Md. Lal Mohmad Resident of Village- Dhurlakh, P.S.- Samastipur Muffasil, Dist.- Samastipur
 2. Md. Rasid @ Md. Rashid Son of Md. Taslim Resident of Village- Dhurlakh, P.S.- Samastipur Muffasil, Dist.- 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.Pramod Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-08-2024 Heard Mr. Rajeev Kumar, learned counsel
appearing on behalf of the petitioners and Mr. Pramod Kumar
Pandey, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Samastipur Muffasil P.S. Case No. 440 of 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, petitioners
with an intention to kill attacked the informant and his family
members.

4. Learned counsel appearing on behalf of the
petitioners submitted that the petitioner no.1 Md. Aslam is said



to have assaulted the informant by means of knife causing injury on her head and petitioner no.2 Md. Rasid is said to have assaulted on the head of one Md. Maksood by means of iron rod causing injury on his head. Learned counsel further submitted that the petitioners are innocent and they have been falsely implicated in this case due to land dispute between the parties. It is further submitted that the petitioners are members of the mob and the allegation made against them is general and omnibus. Petitioners have clean antecedent. He further submits that similarly situated co-accused namely Md. Mustafa and five others have been granted pre-arrest bail by this Court vide order dated 20.02.2024 passed in Cr. Misc. No. 9347 of 2024.

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

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)

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