

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37245 of 2024

Arising Out of PS. Case No.-924 Year-2023 Thana- BARACHATTI District- Gaya

1. Md. Akbar @ Akbar Hussain @ Akbar Hu S/O SAHMAD HUSSAIN @ BUTALI MIYAN R/O VILLAGE- ITWAN, Post- Itwan, P.S.- Mohanpur, Bodhgaya, Gaya, Bihar
2. Md. Arshad @ ARSHAD HUSSAIN S/O SAHMAD HUSSAIN @ BUTALI MIYAN R/O VILLAGE- ITWAN, Post- Itwan, P.S.- Mohanpur, Bodhgaya, Gaya, Bihar
3. Sarafat Miyan @ Md Sarafat S/O MD. HUSSAIN @ KAILU SAH R/O VILLAGE- ITWAN, Post- Itwan, P.S.- Mohanpur, Bodhgaya, Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Asha Akhtar, Advocate. Mr. Aiman Hassan, Advocate.
For the Opposite Party/s	:	Mr. Murlidhar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-06-2024 Heard Ms. Asha Akhtar, learned counsel along with

Mr. Aiman Hassan, learned counsel appearing on behalf of the

petitioners and Mr. Murlidhar, learned APP for the State.

2. At the outset, learned counsel appearing on behalf

of the petitioners seeks to withdraw the prayer for pre-arrest bail

in respect of petitioner nos. 1 and 3 as they have been arrested

and released on regular bail.

3. Permission is accorded.

4. The petitioner no.2 seeks pre-arrest bail in

connection with Barachatti P.S. Case No. 924 of 2023 registered



for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code.

5. As per the allegation made in the F.I.R., the petitioner no.2 along with other accused persons had entered into scuffle with other group in which both the parties sustained injury and some of them sustained multiple injuries.

6. Learned counsel appearing on behalf of the petitioners submitted that the petitioner is innocent and he has falsely been implicated in the case. As per the allegation made in the F.I.R., petitioner no.2 was found fleeing from the place of incidence. There is no allegation of assault against the petitioner no.2. He has clean antecedent. Considering the allegation to be general and omnibus against the petitioner no.2, he deserves to be released on bail.

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

8. Considering the fact that no allegation of assault has been alleged against the petitioner no.2 and he has clean antecedent, the petitioner no.2, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Sherghati, Gaya in connection with Barachatti P.S. Case No. 924 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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