

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33820 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- THAWE District- Gopalganj

1. Saukat Ali Son of Late Mustifa Miya Resident of Village- Paithan Patti, P.S- Thawe, Dist- Gopalganj
2. Kaushar Ali Son of Late Mustifa Miya Resident of Village- Paithan Patti, P.S- Thawe, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwanshu Kumar, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-09-2024 Heard Mr. Diwanshu Kumar, learned counsel appearing on behalf of the petitioners and Mr. Md. Matloob Rab, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Thawe P.S. Case No. 26 of 2024 registered under Sections 341, 323, 324, 325, 307, 504, 354, 506 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioners, alongwith other co-accused, assaulted the informant and her sister-in-law, due to which they sustained injuries.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have



falsely been implicated in the present case. Learned counsel further submitted that in paragraph nos. 27 and 28 of the case diary (which is injury report), the opinion of the doctor is that neither external nor internal injury has been found on the body of the informant. So far as, Naima Khatoon (sister-in-law of the informant) is concerned, the opinion of the doctor is that a superficial skin cut injury is there over her left forearm. Learned counsel submitted that injury sustained by the said Naima Khatoon is simple in nature. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and he has also verified paragraph nos.27 and 28 of the case diary (which is injury report) and ascertained that simple injury has been found on the left forearm of the sister-in-law of the informant.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that a general and omnibus allegation has been levelled against the petitioners and neither external nor internal injury has been found on the body of the informant, whereas, the injury sustained by her sister-in-law is simple in nature, I am of the opinion that petitioners have,



prima facie, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned District Court 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 Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No. 26 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Purnendu Singh, J.)

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