

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42596 of 2024

Arising Out of PS. Case No.-90 Year-2016 Thana- BISFI District- Madhubani

1. Md. Sitare aged about 35 years (M) S/o Md. Heera
2. Md. Heera aged about 59 years (M) S/o Md. Abbas.
3. Md. Nizamuddin, aged about 30 years (M) S/o Shakil @ Mohammad Shakil Abbas Shaikh.
4. Md. Maruf Shaikh @ Maruf @ Md. Masaf aged about 30 years (M) S/o Jaimur All R/o Village- Durjauliya, P.S.- Bisfi, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-07-2024 Heard Mr. Sharda Nand Mishra, learned counsel appearing on behalf of the petitioners and Mr. Rajiv Nayan, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Bisfi (Patauna) P.S. Case No. 90 of 2016, registered for the offence punishable under Sections 341, 323, 324, 307, 332, 333, 353, 384, 427, 354(B), 325, 504 and 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the accused persons including the petitioners, had assaulted the informant and her family members by means of *danda*, *farsa* and *iron rod* causing head injuries.



4. Learned counsel appearing on behalf of the petitioners submitted that due to previous enmity between the parties, the petitioners have been implicated in a false case. The Investigating Officer, after holding of investigation, has found the allegation to be not true under Section 307 and submitted the charge-sheet under sections 341, 323, 504 and 34 of the Indian Penal Code while the learned A.C.J.M.-1, Benipatti has taken cognizance under Sections 341, 323, 353, 307, 354, 504 and 34 of the Indian Penal Code. Petitioners are already on bail by giving the benefit of Section 41 (i) of the Code of Criminal Procedure. Petitioners no. 3 and 4 have clean antecedent. On these grounds, 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.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that the Investigating Officer, after holding of investigation, has found the allegation to be not true under Section 307 and submitted the charge-sheet under sections 341, 323, 504 and 34 of the Indian Penal Code while the learned A.C.J.M.-1, Benipatti has taken cognizance under Sections 341, 323, 353, 307, 354, 504 and 34 of the Indian Penal Code. Petitioners are already on bail by giving the benefit of Section 41 (i) of the Code of Criminal Procedure. Petitioners no. 3 and 4



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. Learned District Court is directed to verify the injury report of the victims and if it is found that the injuries sustained by the informant and her family member to be simple in nature, 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. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Benipatti, Madhubani, in connection with Bisfi (Patauna) P.S. Case No. 90 of 2016, subject to the condition 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 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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