

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44407 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- JOKIHAT District- Araria

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1. Asgar aged about 25 years (M) son of Habib
 2. Munazir aged about 23 years (M) son of Habib
 3. Nawajish aged about 21 years (M) son of Habib
- All are residents of village - Kakan, ward no. 09, Police Station - Jokihat,
District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-07-2024 Heard Mr. Mukesh Kumar Rana, learned counsel

appearing on behalf of the petitioners and Mr. Zainul Abedin,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Jokihat P.S. Case No. 42 of 2024, registered for the offence
punishable under Sections 147, 149, 341, 323, 324, 307, 354B,
379, 504 and 506 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 by means of *lathi*, *danda* and sharp weapon and also
outraged the modesty of the informant and when the son of the
informant came to rescue her, they had also assaulted him by



means of *Farsa* and *Dabiya*, due to which, he had sustained injury on his head.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. He further submitted that informant and petitioners are neighbour and due to previous enmity, the petitioners have been dragged in a false case. Specific allegation against petitioner no. 1 is that he had assaulted the son of the informant by means of *Dabiya* causing head injury, however, the same is simple in nature as opined by the doctor. General and omnibus allegation has been levelled against the petitioners no. 2 and 3. Petitioners 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 general and omnibus allegation has been levelled against the petitioners no. 2 and 3. So far as petitioner no. 1 is concerned, specific allegation against him is that he had assaulted the son of the informant by means of *Dabiya* causing head injury, however, the same is



simple in nature as opined by the doctor. 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. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Jokihat P.S. Case No. 42 of 2024, 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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