

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47279 of 2024

Arising Out of PS. Case No.-425 Year-2020 Thana- MADHEPURA District- Madhepura

1. Md. Usman Son of Md. Rizwan, Resident of Village- Madhepura, Ward No. 12, Ps- Madhepura, Dist- Madhepura
2. Md. Salman @ Md. Salmaan, Son of Md. Rizwan Resident of Village- Madhepura, Ward No. 12, Ps- Madhepura, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahid Aqubal, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-08-2024 Heard Mr. Shahid Aqubal, learned counsel appearing on behalf of the petitioners and Mr. Madhura Nand Jha, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Madhepura P.S. Case No. 425 of 2020, registered for the offence(s) punishable under Sections 147, 148, 149, 342, 323, 324, 307, 504, 354-B, 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the accused persons including the petitioners with common intention to kill the informant and his family members assaulted them with deadly weapon.

4. Learned counsel appearing on behalf of the



petitioners submitted that there is no specific allegation against the petitioners that they have assaulted anyone. However, it can only be derived from the allegation made in the FIR that the petitioners were members of the mob. The petitioners have clean antecedents.

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

6. Considering the nature of allegation made against the petitioners, being general and omnibus 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 petitioners, above named, are directed to be released on pre-arrest 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Mr. Binit Shankar JM-1, Madhepura in connection with Madhepura P.S. Case No. 425 of 2020, subject to the conditions 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 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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