

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48398 of 2024

Arising Out of PS. Case No.-362 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Md Mukhtar @ Mukhtar Ahmad Son of Mohammad Shamshul R/O Vill.- Khetas Kalna, P.S.- Kusheshwar Asthan, Dist.- Darbhanga
 2. Md. Rustam @ Md. Rustam Ali Son of Md Islam R/O Vill.- Khetas Kalna, P.S.- Kusheshwar Asthan, Dist.- Darbhanga
 3. Md. Dilkhush Son of Md. Shamshul R/O Vill.- Khetas Kalna, P.S.- Kusheshwar Asthan, Dist.- Darbhanga
 4. Md. Ijhar @ Md. Izhar Ahmad @ Md. Izhar Son of Md. Ilyas R/O Vill.- Khetas Kalna, P.S.- Kusheshwar Asthan, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Tooba Hera, Adv.

For the Opposite Party/s : Ms .Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-09-2024 Heard Mr. Tooba Hera, learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

2. The petitioners seek bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 308, 504 and 506 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that petitioners, during the course of investigation, were given the benefit of Section 41(a) of Cr.P.C. It is next submitted that petitioners cooperated in the investigation and police based on the investigation submitted charge-sheet and thereafter cognizance



came to be taken and thus petitioners apprehend their arrest. It is further submitted that police during the course of investigation never felt the need of arresting petitioners as the petitioners cooperated in the investigation, it is next submitted that when police never felt the need of arresting the accused person whether it would be prudent for this Court to send the petitioners to jail based an order of cognizance when police during the course of investigation never arrested the petitioners.

4. Learned A.P.P. as well as learned counsel for the informant both opposes the bail application.

5. Consideration the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below withing a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Darbhanga, in connection with Kusheshwar Asthan P.S. Case No. 362 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The applications stands allowed.

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(Satyavrat Verma, J)

