

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65057 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- MALI District- Aurangabad

1. Hira Bhuiyan, Male, aged about 37 years, S/O Lalu Bhuiyan
 2. Pintu Bhuiyan, Male, aged about 32 years, S/O Rajeshwar Bhuiyan
 3. Lalan Bhuiyan, Male, aged about 22 years, S/O Late Talabi Bhuiyan
 4. Anand Bhuiyan @ Nand Bhuiyan, Male, aged about 33 years, S/O Pravesh Bhuiyan
 5. Sanjay Bhuiyan, Male, aged about 29 years, S/O Kail Bhuiyan
- All are R/O Vill- Fuldiha, Bhuiyan Bigha, P.S- Mali, Distt.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-10-2024 At the outset, learned counsel appearing on behalf of the petitioners submits that petitioner no.4 has been arrested and, as such, he seeks to withdraw the present petition with respect to petitioner no.4.

2. Accordingly, the present petition is dismissed as withdrawn with respect to petitioner no.4.

3. Heard Mr. Shailesh Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Amitesh Kumar, learned APP for the State.

4. The petitioners no.1, 2, 3 and 5 seek pre-arrest



bail in connection with Mali P.S. Case No. 89/2024 registered for the offence(s) punishable under Sections 147, 149, 341, 323, 324, 325, 337, 338, 307, 353 and 504 of the Indian Penal Code.

5. As per the allegation made in the FIR, 19 named accused persons had pelted stone on the police team and had obstructed them from performing their official duty.

6. 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 allegation against petitioners is general and omnibus. Petitioners have clean antecedents.

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

8. Considering the nature of allegation made in the FIR and also the fact that general and omnibus allegation has been made against the petitioners, who have clean antecedents, I am of the opinion that petitioners **no.1, 2, 3 and 5** have, prima facie, made out a case to be released on pre-arrest bail.

9. **The petitioners no.1, 2, 3 and 5, 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.



10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Mali P.S. Case No. 89/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. The learned District Court is directed to verify the criminal antecedent of the petitioners no.1, 2, 3 and 5 and if it is found that they 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.

11. The bail application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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