

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70248 of 2024

Arising Out of PS. Case No.-352 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Md. Mohsenul Islam @ Bhim @ Mohsenul Islam @ Mohsulu Imam @ Bhim
Son of Md. Saleem @ Muslim @ Darogi Resident of Village Patuaha
Bherdhari Ward No 24, P.S.- Saharsa, Distt.- Saharasa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Saharsa Sadar P.S. Case No. 352 of 2024, registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 325, 34 of the Indian Penal Code.

3. Allegedly while the informant was going for walk, in the meantime, all the FIR named accused persons, including the petitioner, armed with weapons surrounded him and started assaulting. It is specifically alleged that co-accused Md. Muslim @ Darogi assaulted the informant by means of *farsa* blow due to which he sustained serious injury over his head; while the



brother of the informant came to his rescue, co-accused Md. Raees assaulted him by means of rod due to which he sustained injury over his left jaw. It is also alleged that all the accused persons entered into the house of the informant and started pelting bricks and stones.

4. Learned Advocate for the petitioner contended that there is general and omnibus nature of allegation against all the FIR named accused persons. So far as the allegation of assault over the informant and his brother is concerned, the same is attributed to co-accused Md. Muslim @ Darogi and Md. Raees. All the injuries are simple in nature, except one which has been caused to the brother of the informant by co-accused Md. Raees. There is counter version of the present case being Saharsa Sadar P.S. Case No. 366 of 2024 instituted by the father of the petitioner. Moreover, the petitioner is in custody since 27.07.2024 having fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the fair antecedent and the investigation



being complete, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 352 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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