

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68835 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Bargaon District- Darbhanga

Md. Reyaj @ Md. Reyaj Ahmad @ Reyaj Ahmad Son of Md. Kabir @ Abdul Kabir @ Abdul Kadir @ Abdul Hadi Resident of Village- Bargaon, P.S. Bargaon, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ansiur Rahman, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-10-2024 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The present Criminal Miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “the BNSS”) for seeking regular bail in connection with Bargaon P.S. Case No.35 of 2024 lodged on 13.07.2024 under Sections 191(2), 126(2), 115(2), 118, 109, 125(1), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, As per the prosecution case, there were 29 named persons made accused in this case. The specific allegation is against Md. Rohullah to attack by sword in the stomach of the informant’s son due to which his intestine



came out. He has also assaulted Md. Mursheed due to which injury has been caused in the forehead. Further allegation is against Md. Safruddhin to attach by *lathi* and knife.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the only allegation against the petitioner is that he is a member of mob and there is no any specific allegation of act and overt act against the petitioner.

5. Learned Counsel further submits that both informant and petitioner are resident of same village and they are well-known to each other. He further submits that for the same date and place of occurrence. One F.I.R. has been lodged bearing Bargaon P.S. Case No.36 of 2024 and another F.I.R. has been lodged bearing Bargaon P.S. Case No.35 of 2024.

6. Learned Counsel further submits that petitioner is in custody since 12.07.2024 having clean antecedent.

7. Learned counsel for the State opposes the prayer for bail and submits that there is case and counter-case from both sides.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if**



not framed, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of Judicial Magistrate-1st, Biraul, Darbhanga in connection with Bargaon P.S. Case No.35 of 2024, subject to the following conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Dr. Anshuman, J.)

Prakashmani/-

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