

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81962 of 2024

Arising Out of PS. Case No.-164 Year-2024 Thana- KARAKAT District- Rohtas

- 1. Shahadat Hussain @ Md. Shahadat Hussain, Son of Karamat Hussain, R/O- Village -Belwai, PS- Karakat, District- Rohtas
- 2. Latafat Hussain @ Md. Latafat Hussain @ Letafat Hussain, Son of Karamat Hussain, R/O-Village -Belwai, PS- Karakat, District- Rohtas
- 3. Md. Aftab @ Gulab, Son of Sher Mohammad, R/O-Village -Belwai, PS- Karakat, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 85033 of 2024

Arising Out of PS. Case No.-164 Year-2024 Thana- KARAKAT District- Rohtas

Jannat Hussain, S/o- Karamat Hussain, Village- Belwai, PS- Karakat District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 81962 of 2024)
For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

(In CRIMINAL MISCELLANEOUS No. 85033 of 2024)
For the Petitioner/s : Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Considering the fact that both the matters are arising out of the same P.S. case and, as such, with the consent of the parties, they are being heard together and disposed off by this



common order.

2. Heard Mr. Krishna Prasad Singh, learned Senior Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

3. The petitioners apprehend their arrest in connection with Karakat P.S. Case No. 164 of 2024, registered for the offences punishable under Sections 307, 379, 341, 323, 324, 325, 448, 147, 148, 149 and 506 of the Indian Penal Code.

4. Based upon the written report the prosecution alleges that on the fateful day, all the FIR named accused persons armed with various weapons, entered into the house of the informant and brutally assaulted the informant and others, due to which the brother of the informant has sustained grievous injury.

5. Learned Senior Advocate referring to the FIR submitted that there is omnibus allegation against all the FIR named accused persons, including the petitioners. However, it is the fact that on the fateful day on account of previous dispute, both the parties have entered into a free fight, resulting into injuries to persons of both the sides. There is a counter version of the present case being Karakat P.S. Case No. 165 of 2024 instituted by the co-accused of the present case, against the



informant and others. Four persons of the petitioner's side also sustained serious injuries however, later on both the parties have settled the dispute and taking note of this fact, co-accused persons of Karakat P.S. Case No. 165 of 2024 have been accorded the privilege of anticipatory bail by the Court below itself. It is next contended that so far the petitioner nos. 1 and 3 are concerned, they bear two criminal antecedents, as has been disclosed in the supplementary affidavit; moreover, the petitioner no. 1 bears one criminal antecedent. The petitioner in Criminal Miscellaneous No. 85033 of 2024 had though been facing a criminal case, however later on he has been acquitted of the charges.

6. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that all the petitioners have actively participated in the crime and brutally assaulted the informant and his brother.

7. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the factum of case and counter case, coupled with the fact that co-accused persons of the counter case have already been extended the privilege of anticipatory bail, let the petitioners above named be released on bail, in the event of their



arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Bikarmganj, District Rohtas in connection with Karakat P.S. Case No. 164 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

supratim/-

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