

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84284 of 2024**

Arising Out of PS. Case No.-228 Year-2024 Thana- KISHANGANJ District- Kishanganj

Md. Piyaru @ Piyaru Mohammad @ Pyar Mohammad (M), aged about 60 years, Son of Late Ghuchna Resident of Village - Darji Basti, PS- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      20-12-2024                      Heard Mr. Raj Kumar, learned counsel appearing on behalf of the petitioner and Mr. Sunil Kumar Pandey, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Kishanganj P.S. Case No. 228 of 2024, registered for the offence punishable under Sections 341, 323, 324, 325 and 307/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner along with other accused persons, had assaulted the son of the informant causing head injury.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Specific allegation against



him is that he was the order giver and the head injury was caused by the co-accused, namely, Mujahid Alam. No direct allegation of assault is against the petitioner. Co-accused person, namely, Faiyaz Alam, has already been released on bail by this Court vide order dated 01.10.2024 passed in Criminal Miscellaneous No. 66282 of 2024. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

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

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that specific allegation against the petitioner is that he was the order giver and the head injury was caused by the co-accused, namely, Mujahid Alam. No direct allegation of assault is against the petitioner. Co-accused person, namely, Faiyaz Alam, has already been released on bail by this Court vide order dated 01.10.2024 passed in Criminal Miscellaneous No. 66282 of 2024. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or



surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Kishanganj, in connection with Kishanganj P.S. Case No. 228 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

**(Purnendu Singh, J)**

Niraj/-

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