

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81885 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- BALIGAON District- Vaishali

1. Md. Sitare S/o Md. Yasin @ Md. Thamin R/o vill - Chakjado (Tenda), P.S. - Baligaon, Distt.- Vaishali
2. Md. Mubarak S/o Md. Saptar R/o vill - Chakjado (Tenda), P.S. - Baligaon, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Baligaon P.S. Case No. 90 of 2024, registered for the offences punishable under Sections 115(2), 127(1), 303(2), 118(1), 109,3(5) of the B.N.S.

3. It is alleged that while the brother of the informant was watching Moharamm procession, in the mean time, the petitioners and others armed with sharp edged knife came there and started abusing and assaulting him. It is further alleged that the petitioners and others were repeatedly inflicted knife blow on abdomen, neck and back of the informant's brother with



intention to kill. There is further allegation of threatening at the hands of the petitioners and other accused persons.

4. Learned Advocate appearing on behalf of the petitioners drawing the attention of this Court to the FIR, primarily contended there is omnibus allegation of inflicting knife blow to the brother of the informant. However, the allegation does not corroborate with the injury report in as much as only one sharp cutting injury has been found over the body of the injured. It is further contended that during the course of investigation, the statement of the injured was recorded by the police, wherein, he has specifically stated that it is co-accused Md. Ayub, who, stabbed him with the knife in various parts of his body. So far the petitioners are concerned they are said to be the order giver. The petitioners bear fair antecedent and they undertake that they will co-operate in the investigation and the proceeding of the Court.

5. On the other hand, learned advocate for the State opposed the pre-arrest bail application and submits that specific allegation has been levelled against the petitioners of inflicting knife blow.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of



allegation and the fact that in course of the investigation the injured has disclosed that it is co-accused Md. Ayub, who, inflicted the knife blow coupled with the fair antecedent, 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 90 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 petitioners.

(Harish Kumar, J)

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