

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6673 of 2025

Arising Out of PS. Case No.-48 Year-2023 Thana- TERHAGACHH District- Kishanganj

Soyeb Son of Akhter Hussain R/O-Village- Mushahra ,Ward No. 05, PS-
Terhagachh, Distt.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-02-2025 Heard the learned Advocate for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Terhagachh P.S. Case No. 48 of 2023, registered for the offences punishable under Sections 147, 148, 149, 323, 341, 307, 354, 504 and 506 of the Indian Penal Code.

3. While the informant was cleaning the debris from the house that was fallen due to storm, in the meantime, all the FIR named accused persons variously armed with weapons came there and started assaulting the informant. When the brother of the informant came to his rescue, the accused persons also assaulted him due to which both have sustained serious injuries. Further allegation has been levelled that the accused persons also assaulted the wife and mother of the informant and



behaved indecently.

4. Learned Advocate for the petitioner contended that admittedly the occurrence took place on 30.06.2023, but the present FIR has been instituted after a delay of more than four days i.e. on 04.07.2023. There is counter version of the present case being Terhagachh P.S. Case No. 47 of 2023, instituted on the earlier point of time against the informant and others. Referring to the FIR, further contention has been made that an omnibus nature of allegation has been levelled against all the FIR named accused persons, including the petitioner. Petitioner and other accused persons are none else but the agnates and the genesis of the occurrence is land dispute, due to which a free fight has taken place, resulting into injuries on the persons of both the sides. It is lastly contended that co-accused persons, who were facing identical allegation, have been allowed the privilege of anticipatory bail by this Court in Cr. Misc. No. 69811 of 2023 vide order dated 07.11.2023. The petitioner bears fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the brother of the informant has sustained grievous injury, apart from simple injury to the informant and his mother.



6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the delay in lodging of the FIR as well as factum of case and counter case, coupled with the fair antecedent of the petitioner and also the fact that co-accused persons having identical allegation have been allowed the privilege of anticipatory bail, let the petitioner above named be released on bail, in the event of his 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 Sub Divisional Judicial Magistrate, Kishanganj in connection with Terhagachh P.S. Case No. 48 of 2023, 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)

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