

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3644 of 2025

Arising Out of PS. Case No.-67 Year-2024 Thana- SATHI District- West Champaran

1. Gayasuddin Alam @ Gvagyvib Alm, S/O Vajair Alam, R/O Village- Chandbarwa, P.S- Sathi, Distt.- West Champaran.
2. Fakruddin Alam @ Fasruddin, S/O Vajair Alam, R/O Village- Chandbarwa, P.S- Sathi, Distt.- West Champaran.
3. Bhitan Alam @ Afsar Ali, S/O Vajair Alam, R/O Village- Chandbarwa, P.S- Sathi, Distt.- West Champaran.
4. Nanhu Alam, S/O Vajair Alam, R/O Village- Chandbarwa, P.S- Sathi, Distt.- West Champaran.
5. Akhatri Begam, W/O Vajair Alam, R/O Village- Chandbarwa, P.S- Sathi, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-02-2025 Heard Mr. Umesh Kumar Gupta, learned counsel appearing on behalf of the petitioners and Mr. Umanath Mishra, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Sathi P.S. Case No. 67 of 2024 registered under Sections 143, 341, 323, 324, 307, 354(b) and 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, the



informant has given an advance of Rs.50,000/-, which was required to be returned by the petitioners but instead of returning the amount, the petitioners have allegedly assaulted and abused the informant and specific allegation of assault is against the petitioner no.1 namely Gayasuddin Alam @ Gvagyvib Alm.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have falsely been implicated in the present case. Learned counsel further submitted that it is alleged that brother of the informant had given advance of Rs.50,000/- to the petitioner no.1 but in want of any evidence, the petitioners have falsely been implicated in the present case. Learned counsel submitted that the allegation alleged in the FIR is false. The genesis of the incidence, as alleged, is due to money, which was required to be returned by the petitioner no.1, which led to the fierce fight. Learned counsel further submitted that so far as the petitioner nos.2, 3, 4 and 5 are concerned, the allegation made against them is general and omnibus in nature. The injury sustained by the informant is simple in nature. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on bail.



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

6. Considering the nature of allegation made against the petitioner no.1, being specific in nature, I am not inclined to enlarge him on pre-arrest bail.

7. So far as, the petitioner nos.2, 3, 4 and 5 are concerned, general and omnibus allegation has been levelled against them and they are having clean antecedent, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

8. The learned District Court is directed to release the petitioner nos.2, 3, 4 and 5 on anticipatory bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Sathi P.S. Case No. 67 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The learned District Court is directed to verify the criminal antecedent of the petitioners, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners, as what has been stated in



paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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