

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19123 of 2025

Arising Out of PS. Case No.-855 Year-2024 Thana- KATIHAR NAGAR District- Katihar

- 1 . Mahtab Alam @ Chhotu son of Late Md. Israil village- Sharifganj, Ps- Sahayak, dist- Katihar
2. Md. Yusuf @ Md Yasaf son of Md. Rojid village- Sharifganj, Ps- Sahayak, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vaishnavi Singh, Advocate Mr. Ajay Kumar Thakur , Advocate
For the Opposite Party/s :		Mr. Lalan Kumar , APP
For informant	:	Mr. Prakash Mahto, Advocate Mr. Jawed Ahmad , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-04-2025 Heard learned counsel for the petitioners and the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 109 and 3 (5) of the BNS.

3 . As per F.I.R., on the alleged date and time of occurrence , these petitioners along with other co-accused persons armed with deadly weapons came at the shop of Halim and Aslam tea shop . Thereafter, co-accused Mehboob Alam abused son of informant and threatened him to kill if he opposed to sell intoxicating medicine . When son of informant protested,



then co-accused Mehboob Alam fired upon son of informant and fled away .

4. It is submitted on behalf of the petitioners that specific accusation of causing firearms injury is against co-accused Mehboob Alam. So far as, these petitioners are concerned, there is no allegation of any overt act against them. F.I.R., has been lodged after delay of 3 days for which there is no explanation . These petitioners have falsely been implicated in this case only because petitioner No. 1 is brother and petitioner No. 2 is employee of co-accused Mehboob Alam. Petitioners claim clean antecedent.

5 . Learned counsel for the State oppose the bail petition .

6. Considering the fact that there is no allegation of overt act against these petitioner and clean antecedent and other circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate Katihar in Katihar Town (Sahayak) P.S. Case No. 855 of 2024 , subject to the conditions laid down under section



482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) ,
2023 .

(Prabhat Kumar Singh, J)

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