

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21214 of 2025

Arising Out of PS. Case No.-254 Year-2024 Thana- BHARGAMA District- Araria

- 1. Md. Equbal, aged about 34 year, Male, Son of Late Hanif
 - 2. Md. Mainatulla @ Minatullah, aged about 45 year, Male, Son of Late Hanif
 - 3. Md. Shivtulla @ Md. Shivtullah, aged about 28 years, Male, Son of Late Hanif
 - 4. Md. Salika, aged about 50 years, Male, Son of Md. Rajabul
 - 5. Md. Galib, aged about 40 years, Male, Son of Md. Rajabul
 - 6. Md. Rakib, aged about 35 year, Male, Son of Md. Rajabul
 - 7. Md. Rajabul, aged about 80 year, Male, Son of Late Suleman
 - 8. Md. Ajabul, aged about 72 year, Male, Son of Late Suleman
 - 9. Md. Rauf, aged about 40 year, Male, Son of Late Ali
 - 10. Md. Wasi Ahmad @ Wasi Ahmad, aged about 32 year, Male, Son of Late Ali
 - 11. Md. Jaki Ahmad @ Jaki ahmad, aged about 28 year, Male, Son of Md. Safi Ahmad
 - 12. Md. Wasib Kamal @ Kasif Kamar, aged about 25 year, Male, Son of Md. Safi Ahmad
 - 13. Md. Tarik, aged about 40 year, Male, Son of Md. Abbas
 - 14. Md. Hamid, aged about 22 year, Male, Son of Md. Anis
 - 15. Md. Samihur Rahman @ Samidur Rahman @ Md. Samid, aged about 38 year, Male, Son of Late Budur
- All Resident of Village- Akarthapa, Ward No. 08, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Arshad Alam, Advocate
Mr. Md. Shadab Alam Wazdi, Advocate
Mrs. Anjum Perveen, Advocate
Mr. Kamran Fazal, Advocate
For the Informant : Mr. Arun, Advocate
For the State : Mr. Anant Kumar 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-08-2025 Heard Mr. Syed Arshad Alam, learned counsel

 appearing on behalf of the petitioners; Mr. Arun, learned



counsel for the informant and Mr. Anant Kumar 1, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Bhargama P.S. Case No. 254 of 2024, registered for the offence punishable under Sections 126(2), 115(2), 303(2), 308(2), 109, 119(1), 352, 351(2), 326, 305, 76, 61(2), 191(2), 190 of the B.N.S. and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, petitioners along with other accused persons, had sat the house of the informant on fire and had also opened fire, due to which, three co-villagers including the informant sustained fire-arm injuries.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. General and omnibus allegation has been levelled against the petitioner. Specific allegation of firing is upon co-accused Md. Waqar, Md. Safi Ahmed and Md. Ruhul Amin. There is case and counter case between the parties due to land dispute. Both the parties indulged into fierce fight and the petitioners, in their self defence, might have caused some injury to the informant's side without intention. On these grounds, petitioners seek to be released on pre-arrest bail.



5. Learned counsel appearing on behalf of the informant submitted that the petitioners along with other accused persons, had set the house of the informant on fire with an intention to kill, as such, petitioners don't deserve to be released on pre-arrest bail.

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

7. Considering the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR, general and omnibus allegation has been levelled against the petitioners. There is case and counter case between the parties due to land dispute. Both the parties indulged into fierce fight and the petitioners, in their self defence, might have caused some injury to the informant's side without intention. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioners, above named, are directed to be released on pre-arrest 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. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st, Araria/



court concerned in connection with Bhargama P.S. Case No. 254 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S.

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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