

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27313 of 2025

Arising Out of PS. Case No.-813 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Md. Afroj @ Md. Afaroj Son of Md. Mustakim Resident of Vill- Bhartiye
Nagar, Ward No. 26, P.S. and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Saharsa Sadar P.S. Case No. 813 of 2024 registered for the offences punishable under Sections 121(1), 132, 262 and 3(5) of the B.N.S.

3. The police on a secret information raided the place, in question, in order to apprehend an accused of Saharsa Sadar P.S. Case No. 320 of 2024. On noticing the police party, four miscreants, including the petitioner obstructed the police in discharging their duties; and taking help of the obstruction, accused of Saharsa Sadar P.S. Case No.320 of 2024, namely, Munna @ Akhtar succeeded in fleeing away along with others. One of the co-accused, namely, Gulshan Kumar, was



apprehended by the police, who disclosed the name of the petitioner and others as his fleeing accomplice.

4. Learned counsel for the petitioner drawing the attention of the FIR primarily contended that entire allegation revolved around co-accused Munna @ Akhtar, who is said to be accused of Saharsa Sadar P.S. Case No.320 of 2024. So far the petitioner is concerned, save and except he is said to be friend of co-accused Munna @ Akhtar and also he was present at the place of occurrence, there is no specific allegation of any overt act. All the witnesses to the occurrence are none else but the police personnel and moreover the allegation even if it is taken to be true, no case, much less under Section 262 of the BNS is made out. It is lastly contended that be that as it may the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation and the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that there is specific allegation against the petitioner and others of causing obstruction to the police in discharging their duties and by this way they succeeded in getting the co-accused person, Munna @ Akhtar fled away from the clutches of the police.



6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, coupled with the fair antecedent of the petitioner and his undertaking, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate at Saharsa in connection with Saharsa Sadar P.S. Case No. 813 of 2024, subject to the condition as laid down under Section Section 482(2) of the B.N.S.S., with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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