

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24115 of 2025

Arising Out of PS. Case No.-133 Year-2023 Thana- GHOGHARDIHA District- Madhubani

1. Md. Mustafa Alam @ Md. Mustafa Son of Md. Nizam Village -Basuari, P.S -Ghoghardiha, District -Madhubani
2. Md. Israfil @ Md. Israfil Son of Late Md. Usman Village -Basuari, P.S -Ghoghardiha, District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Senior Advocate Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s	:	Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 20-06-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are in custody in a case registered for the offences punishable under Sections 341, 324, 323, 307, 448, 302/34 of Indian Penal Code.

3. Earlier the prayer for anticipatory bail of the petitioners was rejected by this Court vide order dated 29.11.2024 passed in Cr. Misc. No. 1142 of 2024.

4. As per the prosecution case, it is alleged that petitioners along with other co-accused persons armed with *lathi*, *danda*, *tengari* have started assaulting and abusing the informant and his family members over a matter of disputed land due to



which informant's father got badly injured and during the course of treatment he succumbed to the said injury.

5. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He further submits that there is no specific allegation against the petitioners rather there is general and omnibus allegation against the petitioner that they have assaulted the informant and his family members through means of *lathi* and *danda*. He further submits that specific allegation has been levelled against co-accused Md Rajjak. He next submits that similarly situated co-accused persons, namely, Md. Yusuf and Md. Salim have already granted bail by a co-ordinate Bench of this Court vide order dated 23.01.2024 passed in Cr. Misc. No. 85762 of 2023. He further submits that petitioner has got no criminal antecedent as stated in para-3 of his bail petition and he is custody since 06.01.2024.

6. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, submissions made on behalf of the petitioners and the fact that petitioners are under custody since more than one year as well as the fact that similarly situated co-accused persons, namely, Md. Yusuf and Md. Salim have already granted bail by a co-ordinate Bench of this Court vide order dated 23.01.2024 passed in



Cr. Misc. No. 85762 of 2023, let the above named petitioners be released on bail on their furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No.133 of 2023 corresponding to G.R. No.1587 of 2023.

(Ramesh Chand Malviya, J)

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