

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40888 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- GHURNA District- Araria

1. Ekramul @ Ekramul Haque, S/o Shamsheer Alam @ Shamsheer, R/o vill - Pathraha, ward no. 14, P.s.- Ghurna, Distt.- Araria
2. Shakir @ Md. Sakir, S/o Late Ayub R/o vill - Pathraha, ward no. 14, P.s.- Ghurna, Distt.- Araria
3. Asrarul @ Asrar @ Asrarul Haque, S/o Shamsheer Alam @ Shamsheer, R/o vill - Pathraha, ward no. 14, P.s.- Ghurna, Distt.- Araria
4. Shamsheer @ Md. Shamsheer, S/o Idrish, R/o vill - Pathraha, ward no. 14, P.s.- Ghurna, Distt.- Araria
5. Nafis @ Md. Nafis @ Nafis Alam, S/o Md. Naseem, R/o vill - Pathraha, ward no. 14, P.s.- Ghurna, Distt.- Araria
6. Safik @ Shafique, S/o Shakir @ Md. Sakir, R/o vill - Pathraha, ward no. 14, P.s.- Ghurna, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53429 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- GHURNA District- Araria

1. Md. Pravez @ Pravez Alam, S/o Late Jiyaurrahman, Resident of Village- Pathraha Ward no. 14, P.S - Ghurna, District - Araria
2. Md. Faizan @ Md. Faizan Alam, S/o Late Jiyaurrahman, Resident of Village- Pathraha Ward no. 14, P.S - Ghurna, District - Araria
3. Md. Jamshed, S/o Late Jiyaurrahman, Resident of Village- Pathraha Ward no. 14, P.S - Ghurna, District - Araria
4. Abul Kalam, S/o Yunush, Resident of Village- Pathraha Ward no. 14, P.S - Ghurna, District - Araria
5. Nausad @ Naushad Alam, S/o Abul Kalam, R/o Village- Pathraha Ward no. 14, P.S - Ghurna, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40888 of 2025)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.



		Mrs. Vaishnavi Singh, Adv.
		Mr. Ritwik Thakur, Adv.
		Mr. Purushottam Kumar, Adv.
For the State	:	Mr. Md. Mushtaque Alam, APP
For the Informant	:	Mr. Rohit Kumar, Adv.
		Mr. Shyam Kumar Sharma, Adv.
(In CRIMINAL MISCELLANEOUS No. 53429 of 2025)		
For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv.
		Mrs. Vaishnavi Singh, Adv.
		Mr. Ritwik Thakur, Adv.
		Mr. Purushottam Kumar, Adv.
For the Opposite Party/s :		Mr. Ram Bilash Roy Raman, APP
For the Informant	:	Mr. Rohit Kumar, Adv.
		Mr. Shyam Kumar Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 12-11-2025 The cases are arising out of the same P.S. case and, as such, with the consent of the parties, both the matters are being heard and disposed off by the common order.

2. Heard Mr. Ajay Thakur, learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State as well as the learned Advocate for the informant.

3. The petitioners are apprehending their arrest in connection with Ghurna P.S. Case No. 27 of 2025, registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 76, 303(1), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.

4. Based upon the written report the prosecution alleges that on the fateful day of 30.03.2025 while the informant was standing at her door, in the meanwhile, 17 named accused persons, including the petitioners barged into her house. It is specifically alleged that Asrarul caught hold her back and pulled



her cloth, whereupon Sabbir threw her on the ground, Pervez ordered to commit rape upon her. Thereafter in the meanwhile, when the brother-in-law of the informant Imasin, Osin and Niyaz came to her rescue, they were brutally assaulted by the accused persons. The accused persons also assaulted one Arwaj, a child of neighborhood, besides, the informant and her husband, who also sustained serious injuries. There is further allegation of snatching of the valuables.

5. Learned Advocate appearing on behalf of the petitioner referring to the FIR primarily contended that there is omnibus nature of allegation against all the accused persons including the petitioners, however, on account of injuries sustained over the head of the injured, Md. Imasin, later on he succumbed to the injuries. Two of the family members of the informant also sustained injuries and their statements were recorded by the investigating officer, which are duly referred in paragraph no. 134 and 135 of the case diary. However, they have made improvisation in the prosecution case and alleged that it is Parvez, who assaulted Md. Imasin by means of *dabiya*.. In fact, on account of a land dispute, both the parties have entered into a free fight, resulting into injuries to persons of both the sides. However, the prosecution has failed to explain the injuries sustained to the petitioners. To support the aforesaid



contention, Ghurna P.S. Case No. 28 of 2025 is placed on record as Annexure P/3. To buttress the submission showing pending land dispute, various other documents have also been placed on record as Annexure P/2 series. Taking this Court through the injury report of Md. Wasim, it is further contended that he sustained two injuries, one abrasion on the knee and another injury over the skull, which is caused by hard and blunt substance and, as such, even the allegation of causing *dabiya* blow, does not find corroborated. It is lastly contended that though some of the petitioners carry criminal antecedent, however, they undertake that they will fully cooperate in the proceeding of the Court and would not indulge in any criminal activities.

6. On the other hand, learned Advocate for the State and the informant vehemently opposed the pre-arrest bail application and submits that because of the assault being made by the petitioners, six persons have sustained serious injuries and injury of one of them proved fatal. The complicity of the petitioners cannot be ruled out, in view of corresponding injury to support the prosecution case. The petitioners are also carrying criminal antecedent.

7. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case; omnibus nature of



allegation levelled in the FIR, besides the position that all the persons have sustained simple injury, except one, which ultimately proved fatal and the same has been specifically attributed to co-accused Parvez, thus, this Court is not acceded to the prayer of petitioner no. 1 of Criminal Miscellaneous No. 53429 of 2025. So far the other petitioners are concerned, let the petitioner nos. 1 to 6 of Criminal Miscellaneous No. 40888 of 2025 and petitioner nos. 2 to 5 of Criminal Miscellaneous No. 53429 of 2025 be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Ghurna P.S. Case No. 27 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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