

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44931 of 2024

Arising Out of PS. Case No.-591 Year-2021 Thana- MADHEPURA District- Madhepura

1. Md. Mastan Son of Md. Salim Mian R/O Rajpur, Ward no. 12, P.S.- Madhepura (Bharrahi O.P.), Dist.- Madhepura
2. Md. Allauddin Son of Late Md. Jairul R/O Rajpur, Ward no. 12, P.S.- Madhepura (Bharrahi O.P.), Dist.- Madhepura
3. Md. Kurwan Son of Md. Mastan R/O Rajpur, Ward no. 12, P.S.- Madhepura (Bharrahi O.P.), Dist.- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 10-01-2025 Heard Mr. Uday Chand Prasad, learned counsel appearing on behalf of the petitioners and Mr. Awadhesh Kumar Singh, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Madhepura P.S. Case No. 591 of 2021 registered under Sections 341, 342, 323, 302, 504/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., the accused persons including, the petitioners, with an intention to kill the husband of the informant, brutally assaulted him and in course of his treatment, the husband of the informant died.

4. Learned counsel appearing on behalf of the



petitioners submitted that the petitioners are innocent and they have been implicated in a false case. The petitioners are members of same family and they cannot be held responsible for commission of the offence. The allegation levelled against the petitioners are general and omnibus and specific allegation of assault is against other co-accused. Learned counsel also submitted that other co-accused have been granted pre-arrest bail by this Court vide order dated 12.03.2024 passed in Cr. Misc. No.13927 of 2024. On these grounds, the petitioners seek to be released on pre-arrest bail.

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

6. Considering the nature of allegation made the petitioners, as well as, the fact the petitioners are members of the same family and other co-accused have been granted pre-arrest bail by this Court vide order dated 12.03.2024 passed in Cr. Misc. No.13927 of 2024, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioners on anticipatory 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. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 591 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. 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.)

Ashishsingh/-

U		T	
---	--	---	--

