

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57179 of 2025

Arising Out of PS. Case No.-469 Year-2024 Thana- BELAGANJ District- Gaya

1. Md. Wakkar Ajam @ Md. Wakkar Azam @ Wakkar Azam @ Bakkar Ajam S/O Late Md. Amrul Azam @ Late Sahlal @ Late Sahlal Azam R/O Village- Samaspur, P.S- Belaganj, Distt.- Gaya, Bihar, Pin- 804403 at present residing at Village- Mandai, P.S- Khizersarai, Distt.- Gaya (Bihar).
2. Md. Shayeque Azam @ Md. Saayed Azam @ Md. Shrayeque Azam S/O Late Ahmerul Azam @ Md. Amrul Azam @ Late Sahlal @ Late Sahlal Azam R/O Village- Samaspur, P.S- Belaganj, Distt.- Gaya, Bihar, Pin- 804403 at present residing at Village- Mandai, P.S- Khizersarai, Distt.- Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakib Ayaz, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-08-2025 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Belaganj P.S. Case No. 469 of 2024, registered for the offences punishable under Sections 191(2), 191(3), 115(2), 117(2), 118(1), 126(2), 352, 351(2), 109 & 190 of the BNS, 2023.

3. Allegedly, on the fateful day, while the informant was coming after attending the *Muharram* procession, in the meanwhile, he was surrounded by all the FIR named accused



persons, 14 in numbers, who were variously armed. Co-accused Md. *Jhunnu* has assaulted him by means of sword; whereas there is allegation against co-accused Md. *Owais* that he assaulted by means of hockey stick, due to which he sustained the fracture injury in his hand. Thereafter, omnibus nature of allegation has been levelled against all of them of causing assault by means of *lathi* and *danda*.

4. Learned Advocate for the petitioners taking this Court through the FIR contended that there is omnibus nature of allegation against all the persons, including the petitioner, except Md. *Jhunnu* and Md. *Owais*, who are not before this Court. In fact, on account of a free fight, the informant sustained some injuries, but only with a view to wreck vengeance, the names of the petitioners have been implicated in this case. The falsity of the case is writ large for the simple reason that during the course of investigation, the police has not found case true against 12 accused persons, out of total 14 accused. The petitioners are men of fair antecedent and they undertake that they will fully co-operate in the investigation and in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.



6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the omnibus nature of allegation, coupled with the fair antecedent and the statement made by the petitioners that the police in course of investigation has not found case true against many others, let the petitioners above named 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) **each** with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya in connection with Belaganj P.S. Case No. 469 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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