

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71700 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- LODIPUR District- Bhagalpur

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1. Md. Tipu @ Tipu Mansur @ Md. Tipu Mansuri Son of Salim Mansuri @ Md. Salim Mansur R/vill - Barahpura Purab Tola, P.S. Ishak Chak, Distt- Bhagalpur
 2. Md. Ashfaq @ Ashfaq @ Md. Ashafaq Son of Md. Iliyas Khan R/vill - Barahpura Uttar Tola, P.S. Jagdishpur, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Prasad, Adv.
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-01-2025 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Lodipur P.S. Case No. 110 of 2024, registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the petitioners along with co-accused persons came at the house of the informant and taken away her husband. It is further alleged that the petitioners took her husband in the mango orchard near the railway bridge and burnt the entire body of the husband of the informant with cigarette and broke his jaw.



When the informant's husband regained consciousness, he alleged that it is Hirday, Kanhai, Arun Mandal and 5-6 unknown persons, who have assaulted him on the direction of the petitioner no. 1.

4. Learned Advocate for the petitioners drawing the attention of this Court to the narrations made in the FIR contended that the informant is not an eyewitness to the alleged occurrence. Even if the disclosure made by the husband of the informant is taken to be true, it is only alleged that on the exhortation made by the petitioner no. 1, the other accused persons have assaulted him. The occurrence allegedly took place on 21.06.2024, but surprisingly, the present FIR has been instituted on 28.06.2024, without any explanation for delay. So far the petitioner no. 2 is concerned, there is no allegation of any active participation. Moreover, both the petitioners are having fair antecedent and they undertake before this Court that they will fully co-operate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that because of the assault made by the petitioners and others, the injured has sustained grievous injury.

6. Regard being had to the submissions made on



behalf of the parties and considering the delay in institution of the FIR; and the disclosure of the injured, who did not allege against the petitioners of active participation, coupled with the fair antecedent and the undertaking, 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 Chief Judicial Magistrate, Bhojpur in connection with Lodipur P.S. Case No. 110 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. 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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