

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75004 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- RAHIKA District- Madhubani

1. Md. Yunus @ Md. Yunis Son of Noor Mohammad Resident at Rahika, P.S. - Rahika, District - Madhubani
2. Md. Islam Son of Noor Mohammad @ Md. Noor Mohammad Resident at Rahika, P.S. - Rahika, District - Madhubani
3. Md. Amanat Son of Md. Hussain Resident at Rahika, P.S. - Rahika, District - Madhubani
4. Md. Mosin @ Md. Mosin @ Md. Mosim Son of Md. Yunus Resident at Rahika, P.S. - Rahika, District - Madhubani
5. Md. Raja Son of Md. Hussain Resident at Rahika, P.S. - Rahika, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ram Pravesh Nath Tiwari, Adv.
For the Opposite Party/s	:	Mr.Shyameshwar Dayal, APP
For the Informant	:	Mr. Bimal Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 13-02-2025 Heard learned counsel for the petitioners and learned APP for the State as also learned counsel for the Informant. Perused the case diary.

2. The petitioners seek bail in connection with Rahika P.S. Case No. 89 of 2024 instituted for the offences under Sections 341, 323, 324, 504, 506/34, 307, 452, 427, 147, 354B of the Indian Penal Code and subsequently added Section 302 of the Indian Penal Code.

3. As per prosecution case, the accusation against the



accused persons including the petitioners is of assaulting the husband of the Informant and her son. It is alleged that specific allegation of assault is against the co-accused Md. Mustaq of attacking on the head of the husband of the Informant with iron rod causing cut injury. It is also alleged that the co-accused Mumtaz also attacked on the head of the Informant's son by means of *farsa* causing cut injury.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case merely on the basis of land dispute between the parties. There is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The specific allegation of assault on the husband of the Informant and Informant's son on their head is against the co-accused Md. Mustaq and Md. Mumtaz respectively. The occurrence has taken place on 15.04.2024 but, the F.I.R. was lodged on 17.04.2024 without there being any plausible explanation for such delay. The petitioners have no criminal antecedent and are languishing in judicial custody since 16.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and



the Informant have vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged is serious in nature.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rahika P.S. Case No. 89 of 2024.

(Rudra Prakash Mishra, J)

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