

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78624 of 2025

Arising Out of PS. Case No.-539 Year-2024 Thana- SAHARSA SADAR District- Saharsa

1. Md. Ishaque @ Mohammad Ishak, Son of Late Md. Salamat, Resident of Gangjala, Ward No. 15/18, Police Station and District - Saharsa
2. Salahuddin @ Md. Salahuddin, Son of Md. Ishaque @ Mohammad Ishak, Resident of Gangjala, Ward No. 15/18, Police Station and District - Saharsa
3. Md. Samsad, Son of Late Md. Yunus, Resident of Gangjala, Ward No. 15/18, Police Station and District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Verma, Adv.
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, Adv.
For the Informant	:	Mr. Kumar Harshvardhan, Adv.
		Mr. Sudhansu Prakash, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-12-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending arrest in connection with Saharsa Sadar P.S. Case No. 539 of 2024, registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959.

3. Allegedly on the exhortation made by petitioner no. 1 and 2, co-accused Prince and Raja have fired upon the informant, due to which he sustained fire arm injuries. Petitioner



no. 3 has allegedly assaulted the informant by means of *lathi* and *danda*.

4. Learned Advocate appearing on behalf of the petitioners submitted that the entire allegation falls to the ground for the simple reason that the injury report does not support the allegation of firing, inasmuch as, the injuries which have been found over the body of the informant are simple in nature. It is further contended that out of three injuries, one is caused by hard and blunt object, whereas injury no. 2 and 3 have been caused by hard and pointed object. Be that as it may, the false implication of the petitioners cannot be ruled out, as they have been implicated in this case only because of the fact that the informant had previous enmity. It is further contended that even the allegation taken to be true for the sake of argument, there is no allegation of any overt act against the petitioner nos. 1 and 2, except of making exhortation. So far the petitioner no. 3 is concerned, there is omnibus allegation of assaulting by means of *lathi*. The petitioners are men of fair antecedent and they undertake that they will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the



petitioners have actively participated in the crime.

6. Having regard to the submissions set forth by learned Advocate for the respective parties and taking note of the accusation levelled against the petitioners, besides the nature of injuries coupled with the fair antecedent of the petitioners, 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) with two sureties of the like amount **each** to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 539 of 2024, 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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