

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82406 of 2025

Arising Out of PS. Case No.-35 Year-2024 Thana- Bargaon District- Darbhanga

1. Md. Fakruddin @ Md. Fakhruddin S/o- Md. Suleman Resident of Village- Bargaon PS- Bargaon Dist- Darbhanga
2. Md. Julfeqar Ahmed @ Julfaqar Ahmad @ Zulfekar @ Zulfeqar Ahmad S/o- Md. Suleman Resident of Village- Bargaon PS- Bargaon Dist- Darbhanga
3. Md. Safaruddin @ Safruddin S/o- Md. Suleman Resident of Village- Bargaon PS- Bargaon Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-11-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Bargaon P.S. Case No. 35 of 2024, instituted for the offences punishable under Sections 191(2), 126(2), 115(2), 118, 109, 125(1), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Earlier, anticipatory bail of the petitioners have been rejected by a co-ordinate Bench of this Court vide order dated 13.05.2025 passed in Cr. Misc. No. 11943 of 2025.



4. The prosecution case, in short, is that on the alleged date and time, the accused persons jointly assaulted the informant's son Md. Asfaque near the house of Md. Reyaz, during which accused Rahullah inflicted a sword blow on his abdomen causing his intestine to come out, and other accused assaulted him and his companions with lathi, knife and firearms, resulting in injuries.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that the matter relates to attempt to murder and in the FIR, altogether 13 persons including the petitioners have been named. The allegation levelled against the petitioners is not specific rather the same is general and omnibus in nature. It is next submitted that specific allegation of inflicting sword blow on the informant's son is against co-accused Md. Rahulla and so far as these petitioners are concerned, they were merely the member of mob. The petitioners are in custody since 08.10.2025. Petitioner nos. 1 and 2 have got no criminal antecedent and petitioner no. 3 has got one criminal antecedent. Learned counsel for the petitioners



further submits that other co-accused have been granted regular bail by this Court vide order dated 02.09.2025 passed in Cr. Misc. No. 59202 of 2025.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bargaon P.S. Case No. 35 of 2024.

(Rudra Prakash Mishra, J)

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