

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.693 of 2025

Arising Out of PS. Case No.-167 Year-2023 Thana- KISHANGANJ District- Kishanganj

Mustafa @ Md Mustafa S/o Late Md Yunus @ Yunus @ Younush R/o vill -
Faringora, ward no. 09, P.s.- Kishanganj, Distt.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 03-04-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Kishanganj P.S. Case No. 167 of 2023 instituted for the offences under Sections 341, 323, 325, 326, 307, 506/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

3. Prosecution case, in short, is that all the accused persons including the petitioner attacked the informant's son with bamboo stick and iron rod with intention to kill him.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and



omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that the specific allegation of assaulting the deceased is against co-accused Md. Munna. Learned counsel further submitted that the only allegation against the petitioner and his wife is that they assaulted one Ambar, however, there is no injury report on record to substantiate the claim. Learned counsel further contended that for the alleged occurrence, one more FIR bearing Kishanganj Mahila P.S. Case No. 18 of 2023 has been lodged in which petitioner is on bail. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.09.2024 and has one criminal antecedent but he is on bail in that case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation against the petitioner of assaulting the deceased as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court
below/concerned Court in connection with Kishanganj P.S.
Case No. 167 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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