IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74644 of 2026

CNR No. BRHC011074902026

Arising Out of PS. Case No.-510 Year-2025 Thana- BIRAUL District- Darbhanga

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1. Afak Khan @ Afaque Ahmad Khan son of Abdul karim Khan @ Atik @ Fazale karim Khan R/o Village -Patniya Ps -Biraul Dist- Darbhanga
2. Istiyak Ahmad Khan @ Ishteyaq Ahmad Khan Son of Anis Ahmad Khan @ Dulare Khan R/o Village -Patniya Ps -Biraul Dist- Darbhanga

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Baidyanath Prasad, Advocate
For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 04-11-2026 Heard Mr. Baidyanath Prasad, learned counsel appearing on behalf of the petitioners and Mr. Brajendra Nath Pandey, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Biraul P.S. Case No. 510 of 2025, registered for the offences punishable under Sections 329(3), 126(2), 115(2), 308(5), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the allegation made in the F.I.R., while the informant was returning from Patnia village and had stopped at Patnia Chowk to purchase bananas, co-accused Eltaza Khan @ Lakki Khan allegedly abused and threatened him on account of

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non-payment of Rs. 50,000/- as extortion money. The said co-accused took out a knife and placed it on the neck of the informant and also took away Rs. 5,000/- from his pocket. Thereafter the other accused persons arrived at the place of occurrence, surrounded the informant and assaulted him.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have been falsely implicated in the present case on account of previous enmity and local political rivalry. He further submitted that there is no specific allegation against the petitioners and the allegations levelled against them are general and omnibus in nature. The specific allegations of threatening the informant with a knife, demanding extortion money and assaulting him with an iron rod have been attributed to co-accused Eltaza Khan @ Lakki Khan and Kamran Khan, respectively. Learned counsel further submitted that specific allegation against petitioner no.1 is that he is the father of Eltaza Khan who allegedly abused and threatened the informant on account of non-payment of Rs. 50,000/- as extortion money. He also submitted that the injuries sustained by the informant are simple in nature. The allegation against the petitioner no.2 is general and omnibus in nature. The petitioners have clean antecedent. On these grounds, the

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petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties and upon perusal of the allegations made in the F.I.R. and the materials available on record, I am of the opinion that the allegation against petitioner no. 1 specifically discloses his participation in the demand of Rs. 50,000/- made from the informant along with the other accused persons. In view of the specific allegation of his participation in the aforesaid demand, I am not inclined to enlarge the petition no.1 on pre-arrest bail. Accordingly, the prayer for grant of pre-arrest bail on behalf of petitioner no. 1 stands **rejected**.

7. So far as, the petitioner no.2 is concerned, the allegation against him is general and omnibus in nature, I am of the opinion that the petitioner no.2 has, *prima facie*, made out a case to be released on pre-arrest bail.

8. Accordingly, the petitioner no. 2, above named is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing a bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the

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like amount each to the satisfaction of the learned A.C.J.M., Biraul, Darbhanga, in connection with Biraul P.S. Case No. 510 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner no.2 and if it is found that the petitioner no.2 is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

10. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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