

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82834 of 2025

Arising Out of PS. Case No.-178 Year-2025 Thana- FORBESGANJ District- Araria

Md. Rahmtullah @ Rahmtullah S/O Md. Husain R/O Village- Rampur
Dakshin, Ward No.3, P.S- Forbesganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Divya Bharati, Advocate
For the Informant	:	Mr. Mukesh Kumar Rana, Advocate
For the State	:	Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 07-04-2026 Heard Mrs. Divya Bharati, learned counsel
appearing on behalf of the petitioner; Mr. Mukesh Kumar Rana,
learned counsel for the informant and Mr. Binod Kumar, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Forbesganj P.S. Case No. 178 of 2025, registered for the
offence punishable under Sections 126(2), 115(2), 118(2), 109,
352, 351(3) and 3(5) of the BNS and further added Section
103(1) of the BNS vide order dated 08.04.2025.

3. As per the allegation made in the FIR, the petitioner
along with other accused persons, had assaulted the informant
and his son, who succumbed to the injuries.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. He further submitted that informant is the eye witness, but in the FIR, he has not alleged that the petitioner has assaulted the son of the informant. The specific allegation against the petitioner is of assaulting the informant, who had sustained grievous injury on his hand, however, the same is not on the vital part of the body. Specific allegation of assaulting the son of the informant is against co-accused Md. Rizwan. Co-accused Rashid has already been released on pre-arrest bail by a co-ordinate Bench of this Court vide order dated 09.09.2025 passed in Criminal Miscellaneous No. 52938 of 2025. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the informant submitted that petitioner along with other accused persons had assaulted the informant causing injury on his hand and had also assaulted the son of the informant, who succumbed to injury. Petitioner doesn't deserve to be released on pre-arrest bail.

6. Learned APP for the State has also vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on



behalf of the parties, as well as, having perused the allegation made in the FIR and the material, which has come in course of investigation, I find that informant is the eye witness and in the FIR, he has not alleged that the petitioner had assaulted his son, who succumbed to injury. Specific allegation of assaulting the son of the informant is against co-accused Md. Rizwan. Co-accused Rashid has already been released on pre-arrest bail by a co-ordinate Bench of this Court vide order dated 09.09.2025 passed in Criminal Miscellaneous No. 52938 of 2025. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Forbesganj P.S. Case No. 178 of 2025, subject to the condition 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 as stated in paragraph no. 3 of the bail application. If any other case is



pending against the petitioner as what has been stated in
paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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