

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87162 of 2025

Arising Out of PS. Case No.-264 Year-2025 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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1. Asfaq Ahmad @ Ashafi @ Ashfaque Ahmad son of Safi Ahmad Resident Of Village- Madhopur Susta Back Of Aman Tvs Showroom, Ps- Maniyari, District- Muzaffarpur
 2. Ehtesham Hussain @ Guddu son of Syed Shah Israr Hussain Resident Of Village- Dargah Shah Arja, Ps- sultanganj, Dist- Patna
 3. Syed Shakil Hussain @ S.M. Shakil Son of Syed Shah Israr Hussain Resident Of Village- Dargah Shah Arja, Ps- sultanganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-01-2026 Heard Mr. Sunil Kumar, learned counsel appearing on behalf of the petitioners and Mr. Nitya Nand Tiwary, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Kazimohammadpur P.S. Case No. 264 of 2025 registered under Sections 329(4), 126(2), 115(2), 109, 324(4), 324(5), 74, 303(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. As per the allegation made in the FIR, all the accused persons, including the petitioners, assaulted the informant and his family members, causing injuries to them.



4. Learned counsel appearing on behalf of petitioner submitted that the petitioners are innocent and have falsely been implicated in the present case. There is case and counter case between the parties arising out of the same incidence. He further submitted that a general and omnibus allegation has been levelled against the petitioners. The petitioners, in their self-defense, may have caused some injuries on the person of the informant, without intention. The petitioner have clean antecedent. On these grounds, the 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 considered the rival submissions made on behalf of the parties, as well as, having perused the FIR, and the fact that there is case and counter case between the parties, I find that there is no specific allegation against the petitioner nos.2 and 3 and as such, I am of the opinion that the petitioner nos.2 and 3, having clean antecedent, have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner nos.2 and 3 on anticipatory bail, in the event of their arrest or surrender before the learned District Court within a



period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Kazimohammadpur P.S. Case No. 264 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner nos.2 and 3, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners, as what has been stated in paragraph no. 3, this order will lose its force automatically.

9. So far as, the petitioner no.1 is concerned, in view of the direct allegation levelled against him, I am not inclined to enlarge the petitioner no.1 on pre-arrest bail.

10. The petitioner no.1, if so advised, may seek regular bail before the learned District Court. The learned District Court is directed to pass a necessary order, in accordance with law, on the basis of materials available on record, on the same day, the bail application is filed, without any further delay and without being prejudiced by any observation made by this Court.

11. Accordingly, the present application stands



disposed of.

(Purnendu Singh, J)

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