

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91148 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- Kachna District- Katihar

Habib @ Habeebullah Son of Hanif R/O- Bighore Hat, P.S.- Kachna, Distt.-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-02-2026 Heard Mr. Sanjeev Kumar Singh, learned counsel
appearing on behalf of the petitioners and Mr. Yogendra Kumar,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Kachna P.S. Case No. 59/2025 registered for the offence(s)
punishable under Sections 191(2), 190, 132, 115(2), 109, 49, 54,
324(4), 352 and 351(2)(3) of the BNS.

3. As per the allegation made in the FIR, the accused
persons named in the FIR including 50-60 unknown persons
created rucks in the premise of the police station and pressurized
the police personnel to release one Md. Sultan, who was taken
into custody in connection with a case. The accused persons
assaulted the police personnel, causing injury to them.

4. Learned counsel appearing on behalf of the



petitioner submitted that besides the omnibus nature of allegation against 25 named accused, as well as, 50-60 unknown persons, there is no specific accusation against the petitioner of causing any overt act. Similarly situated co-accused persons have also been granted pre-arrest bail by different co-ordinate Benches of this Court *vide* order dated 23.12.2025 passed in Cr. Misc. No.84301 of 2025 and order dated 03.02.2026 passed in Cr. Misc. No.85907 of 2025.

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, as well, having perused the allegation made in the FIR and also the fact that similarly situated co-accused persons have already been granted pre-arrest bail by different co-ordinate Benches of this Court, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, 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 bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate- Katihar /
Concerned Court in connection with Kachna P.S. Case No.
59/2025, subject to the conditions as laid down under Section
482(2) of the BNSS.

**8. The learned District Court is directed to verify
the criminal antecedent of the petitioner and if it is found
that the petitioner 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.**

(Purnendu Singh, J)

Sanjay/-

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