

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3551 of 2025

Arising Out of PS. Case No.-158 Year-2011 Thana- BASANTPUR District- Siwan

Md. Azad @ Sanoj Alam @ Sanoj Alam Miskar Son of Salamuddin Miya @
Lakhi Miya Resident of Village -Madarpur PS -Lakri Nabiganj Op Basantpur,
District -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Izhar Alam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-02-2025 Heard Md. Izhar Alam, learned counsel for the

petitioner and Mr. Shyam Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Basantpur P.S. Case No. 158 of 2011, F.I.R. dated 19.10.2011 for the offences punishable under Sections 149, 148, 323, 341, 342, 427, 379, 332, 333, 353, 325 and 307 of the Indian Penal Code.

3. According to prosecution case, one lady was kept captive in a room of the school because she was suspected to be child lifter and when the informant along with other police personnel came there then the mob pelted stones on them and also damaged their vehicles.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that as per the allegation in the F.I.R., this petitioner along with other accused persons created hindrance in the smooth functioning of law and order. He further submits that it appears from the F.I.R. that there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner. He further submits that the similarly situated co-accused, namely, Anita Devi has been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 26.03.2012 passed in Cr. Misc. No. 8953 of 2012, co-accused, namely, Rajesh Sah has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 19.12.2012 passed in Cr. Misc. No. 46697 of 2012 and another co-accused, namely, Manjesh Kumar has also been granted anticipatory bail by this Court vide order dated 21.08.2024 passed in Cr. Misc. No. 52584 of 2024.

5. Learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no specific allegation against this petitioner and similarly situated co-accused persons have been granted anticipatory by this Court and by a Co-ordinate Bench of this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate-X, Siwan in connection with Basantpur P.S. Case No. 158 of 2011, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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