

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9153 of 2025

Arising Out of PS. Case No.-426 Year-2024 Thana- NOORSARAI District- Nalanda

1. Md. Kasim S/O Jumay Marhum
2. Idrish Alam @ Md. Idrish S/O Md. Kasim
3. Md. Ajahar S/O Md. Kasim
4. Md. Ramjani S/O Md. Kasim
All R/O Village- Jamunapur, P.S- Noor Sarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-03-2025 Heard Mr. Ritesh Kumar, learned counsel for the

petitioners as well as Mr. Uday Chand Prasad, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Noorsarai P.S. Case No.426 of 2024, F.I.R.
dated 19.09.2024 registered for the offence punishable under
Sections 126(2), 115(2), 109, 352, 351(2), 3(5) of Bhartiya
Nagarik Suraksha Sanhita, 2023.

3. The prosecution story, in brief, is that when the
informant returned home from the shop after paying for the
fertilizer, Mohammad Azhar, Idrish Alam, Mohammad Ramzani
Mohammad Qasim started hitting the informant with sticks and
iron rods with the intention to kill the informant. The Accused



persons hit the informant on the head with the iron rod in their hands, due to which informant's head cracked and he fell down there. When informant's brother Mohammad Akhtar came to save him, Mohammad Ramzani hit him with a stick and threatened to kill him. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and have 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 petitioners have not committed any offence as alleged in the F.I.R. and the informant is agnates of the petitioners and there is case and counter case, although there is specific allegation the petitioners that they have assaulted to the informant, but the injury report suggests that the injuries are simple in nature caused by the hard and blunt substance.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts the petitioners have clean antecedent, there is case and counter case and the injuries are simple in nature, let the petitioners, above named, in the event of their arrest or surrender before the court below within a



period of thirty days from the date of receipt of the order, be released on anticipatory bail 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, Nalanda at Biharsharif in connection with Noorsarai P.S. Case No.426 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioners. 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)

Prakash Narayan

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