

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8708 of 2025

Arising Out of PS. Case No.-285 Year-2024 Thana- TILAUTHU District- Rohtas

1. Mumtaj Shah @ Md. Mumtaj Shah son of Nur Mohammad Miya @ Nura shah
2. Bablu Shah Son of Mumtaj Sah
3. Rafik Shah Son of Mumtaj Sah
4. Bebi Khatoon Daughter of Mumtaj Shah
5. Tajbun Nisha @ Satbun Nisha @ Tajbun Shah wife of Mumtaj Shah
All R/o Village -Tilauthu , PS -Tilauthu , Dist -Rohtas
6. Sonu Shah @ Tahir Shah Son of Hakim Shah @ Mohammad Hakim Sah R/o
Village -Bagnaha , PS- Barun , Dist -Aurangabad
7. Irfan Shah Son of Imamuddin Shah R/o Village -Sukhara Dehri , PS-
Karakat , Dist -Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-03-2025 Heard Mr.Rajani Kant Singh, learned counsel for

the petitioners and Mr.Nitya Nand Tiwary, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Tilauthu P.S.Case No.285 of 2024, FIR dated
12.09.2024 registered for the offences punishable under
Sections 126(2), 115(2), 303(2), 109,352,351 and 3(5) of
B.N.S.S., 2023.

3. As per allegation in the FIR is that on 11.09.2024,



accused/petitioners call the informant in his house for clearance of dues amount. The informant reached there, after seen the accused/petitioner Mumtaj Shah caught him and other accused/petitioners assaulted. Accused/petitioner Mumtaj Shah also assaulted by means of rod to the informant to the intention of kill him and snatched Rs. 7200/- on his pocket.

4. Learned counsel for the petitioners submits that petitioner No.4 has clean antecedent and petitioner Nos.1 to 3 and 5 to 7 carry one more case other than the present one but they are on bail in the said case and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. There is case and counter case. Although the petitioners are named in the FIR but there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against petitioner Nos. 2 to 7. There is specific allegation against petitioner No.1 that he assaulted to the informant by means of iron rod but the injury report of the informant (Annexure-3) which suggests that he has received two injuries and both the injuries are simple in nature caused by hard and blunt substance.



5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the FIR.

6. Considering the aforesaid facts, 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 bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Dehri-on-Sone, Rohtas in connection with Tilauthu P.S.Case No.285 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 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 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)

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