

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9455 of 2025

Arising Out of PS. Case No.-376 Year-2024 Thana- MADHUBAN District- East Champaran

1. Gafoor Mansoori @ Abdul Gafur Mansur S/O Late Rahiman Miyan R/O Vill.- Jogaulia Tola Plat, P.S.- Madhuban, Dist.- East Champaran.
2. Nazir @ Chhotan @ Nazir Alam S/O Gafoor Mansoori @ Abdul Gafur Mansur R/O Vill.- Jogaulia Tola Plat, P.S.- Madhuban, Dist.- East Champaran.
3. Roziya Khatoon @ Rozida Khatoon W/O Gafoor Mansoori @ Abdul Gafur Mansur R/O Vill.- Jogaulia Tola Plat, P.S.- Madhuban, Dist.- East Champaran.
4. Sahil Alam @ Sahil S/O Akbar Alam R/O Vill.- Dubarbana, P.S.- Pakridayal, Dist.- East Champaran.
5. Momina Khatoon W/O Akbar Alam @ Md. Akbar R/O Vill.- Dubarbana, P.S.- Pakridayal, Dist.- East Champaran.
6. Akbar Alam @ Md. Akbar S/O Ishrayal Miyan R/O Vill.- Dubarbana, P.S.- Pakridayal, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar No.III, Advocate
For the Informant	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-03-2025 Heard Mr. Sunil Kumar No. III, learned counsel for the petitioners, Mr. Rajesh Kumar, learned counsel for the Informant and Mr. Pramod Kumar Pandey, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Madhuban P.S. Case No. 376 of 2024, F.I.R. dated 06.09.2024 registered for the offences punishable under



Sections 103(1), 61(2) and 3(5) of the B.N.S.

3. Allegation against the petitioners is that they along with other co-accused persons have taken away the son of the informant at the occasion of Bera Dubona but they have committed murder of son of the informant by stabbing with knife.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and they have not committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R. itself that there is no specific allegation against these petitioners and the name of the petitioners have been transpired on the basis of disclosure made by co-accused Irshad Miyan. He further submits that there is no eye witness of the alleged occurrence and the petitioners are belonged to the same family.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the F.I.R.

6. Considering the aforesaid facts and circumstances



of the case and the fact that the petitioners having clean antecedents and there is no specific allegation against these petitioners and apart from that no one has seen the occurrence, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Motihari, East Champaran in connection with Madhuban P.S. Case No. 376 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

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



(3) 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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