

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12953 of 2025

Arising Out of PS. Case No.-161 Year-2024 Thana- JAGDISHPUR District- Bhagalpur

1. Md. Munna @ Mohammad Abu Bakar @ Abu Bakar @ Mphammad Abu Bakar Son of Md. Noor Hasan @ Noor Hasan @ Md. Faiyaj Resident of Village- Badluchak, P.S.- Jagdishpur, Distt.- Bhagalpur
2. Md. Mukhtar @ Md. Mukhtar Son of Late Wali Ahmad @ Late Md. Wali @ Late Shek Walil Resident of Village- Badluchak, P.S.- Jagdishpur, Distt.- Bhagalpur
3. Md. Firdos @ Ferdosh Wali Ahmad Son of Late Wali Ahmad @ Late Md. Wali @ Late Shek Walil Resident of Village- Badluchak, P.S.- Jagdishpur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Nurul Hoda, Advocate
For the Informant	:	Mr. Nagendra Dubey, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-07-2025 Heard Mr. Md. Nurul Hoda, learned counsel for the petitioners, Mr. Nagendra Dubey, learned counsel for the Informnat and Mr. Umeshanand Pandit, learned APP for the State.

2. It appears from the order dated 14.05.2025, the bail petition of petitioner no. 2, namely, Md. Mukhtar @ Md. Mukhtar has already been withdrawn.

3. The petitioners (except petitioner no. 2) are apprehending their arrest in connection with Jagdishpur P.S. Case No. 161 of 2024, F.I.R. dated 13.07.2024 registered for the



offences punishable under Sections 126(2), 115(2), 109(1), 352, 3(5) of BNS and Section 27 of the Arms Act.

4. Allegation against the petitioners is that they have assaulted the informant and his family members due to which they sustained injuries.

5. Learned counsel for the petitioners (except petitioner no. 2) submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that due to admitted land dispute the present occurrence had taken place and there is case and counter case between the parties. Although, there is specific allegation against the petitioner no. 1, namely, Md. Munna @ Mohammad Abu Bakar that he has assaulted to one Md. Gyash and Md. Gyash has received injury but the injury report of Md. Gyash suggests that the injury is simple in nature and there is no such allegation against the petitioner no. 2, namely, Md. Firdos @ Ferdosh Vali Ahmad.

6. Learned counsel for the Informant as well as learned APP for the State has opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners (except petitioner no. 2) are named in the F.I.R. and they have tried to grab the land of the informant.



7. Considering the facts and circumstances of the case and the fact that the petitioners (except petitioner no. 2) having clean antecedents and due to land dispute the present occurrence had taken place and there is case and counter case between the parties and the injury inflicted upon the injured person namely Md. Gyash is simple in nature, let the petitioners (except petitioner no. 2), 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 Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 161 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 (except petitioner no. 2) 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 (except petitioner no. 2) 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 (except petitioner no. 2) and in case at any stage, it is found that the petitioners (except petitioner no. 2) 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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