

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18705 of 2025

Arising Out of PS. Case No.-177 Year-2024 Thana- FALKA District- Katihar

1. Md. Kadir @ Nikhu @ Md. Kasir S/O Md. Haris Resident of village- Fuldobhi, P.S.- Falka, District- Katihar
2. Md. Azad S/O Late Irfan Resident of village- Fuldobhi, P.S.- Falka, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Adv

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 18-06-2025 Heard learned Counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Falka P.S. Case No. 177 of 2024 registered for the offences punishable u/s 126(2), 115(2), 109, 118, 352, 351(2)/3(5) of the B.N.S.

3. As per the prosecution case, the informant heard the cries of his father and when he reached, he saw that a knife was inserted in his abdomen and he was bleeding profusely and his father disclosed that the co-accused, namely, Md. Ijrail had stabbed him with a knife while the other accused person had caught hold of him, thereafter, the informant's father was taken



to a Pvt. Hospital for further treatment.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case and there is general and omnibus allegation against all the accused persons including the petitioners. There is no specific allegation of overt act against the petitioners rather the specific allegation is against the co-accused Md. Ijrail. It has lastly been submitted that the petitioners have clean criminal antecedent and have been in custody since 18.10.2024.

5. Learned APP for the state has vehemently opposed the prayer for bail and has stated that the petitioners were involved in assaulting the father of the informant.

6. Considering the aforesaid submissions of the parties and taking into account the fact that no specific allegation of overt act is against the petitioners and also the period of custody, let the petitioners above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Katihar, in connection with Falka P.S. Case No. 177 of 2024, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioners.



(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned 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 antecedent, 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.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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