

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18423 of 2025

Arising Out of PS. Case No.-448 Year-2024 Thana- CHAPRA TOWN District- Saran

1. Solden @ Sakib Eqbal Son of Naushad Ali @ Naushad Resident of Ward No.43, West Rauja, P.S. - Chapra Town, District - Saran, Bihar
2. Prince @ Rashid Eqbal Son of Naushad Ali @ Naushad Resident of Ward No.43, West Rauja, P.S. - Chapra Town, District - Saran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay Mr. Rananjay Kumar, Advocates
For the Informant	:	Mr. Hafiz Shahbaz Arif, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-04-2025 Heard Mr. Brajesh Sahay, learned counsel for the petitioners, Mr. Hafiz Shahbaz Arif, learned counsel for the Informant and Mr. Jharkhandi Upadhyay, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Chapra Town P.S. Case No. 448 of 2024, F.I.R. dated 11.07.2024 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 352, 351(1), 3(5) of the B.N.S.

3. Allegation against the petitioners is that they have assaulted to the informant by means of revolver's butt on his head due to which he sustained head injury.



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. As per allegation in the F.I.R. the petitioners have assaulted to the informant by means of revolver's butt on his head but the injury report of the informant does not support the allegation as alleged in the F.I.R. and apart from that it transpires that the date of occurrence as alleged in the F.I.R. is 05.07.2024 but the present F.I.R. was instituted on 11.07.2024 after delay of six days without giving any explanation of delay and apart from that before filing of the present F.I.R. the father of the petitioners have filed a Complaint Case bearing Complaint Case No. 2027 of 2024 against the informant and their family members.

5. Learned counsel for the Informant as well as learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and the allegation as alleged in F.I.R. against the petitioners does not support by the medical evidence, 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 Chief Judicial Magistrate, Chapra, District- Saran in connection with Chapra Town P.S. Case No. 448 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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