

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15251 of 2025

Arising Out of PS. Case No.-448 Year-2024 Thana- BARHARIA District- Siwan

Sahajadul Hoda Son of Late Abdul Jalil Resident of Siswa, P.S. - Barharia,
District - Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Abhigyan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2025 Heard Mr. Abhijeet Abhigyan, learned counsel for
the petitioner and Mr. Mukesh Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barharia P.S. Case No. 448 of 2024, F.I.R. dated 21.09.2024 for the offences punishable under Sections 126(2), 115(2), 316(2), 318(4), 352, 351(2), 3(5) of the Bhartiya Nyay Sanhita, 2023.

3. As per the First Information Report, the informant alleged that her land bearing khata no-06, survey no.233, area admeasuring 3 khatta was sold by one Bhikan Manjhi to the petitioner by making false and fabricated documents. When the informant went to inquire about her land, Bhikan Manjhi and other accused persons abused and assaulted her with slaps.



4. Learned counsel for the petitioner submits that petitioners have clean antecedent and he has falsely been implicated in the present case. There is no specific overt act against the petitioner and allegation levelled against the petitioner is general and omnibus. There is unexplained delay of lodging the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioner and the petitioner has clean antecedent, let the petitioner, above named, in the event of 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) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-III, Siwan in connection with Barhariya 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 the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-



i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond 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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