

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18401 of 2025

Arising Out of PS. Case No.-312 Year-2022 Thana- WAJIRGANJ District- Gaya

Samim Miyan @ Shamim Mian @ Shamim Miya Son of Ganauri Mian
Resident of Village- Makhdumpur, P.S. Wazirganj, District- Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-04-2025 Heard Mr. Gajendra Kumar Singh, learned counsel
for the petitioner and Mr. Rajiv Nayan, learned APP for the
State.

2. The petitioner is apprehending his arrest in connection with Wazirganj P.S. Case No. 312 of 2022, F.I.R. dated 01.07.2022 registered for the offences punishable under Sections 341, 323, 324, 307, 354 read with Section 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons having armed with lathi-danda, iron rod assaulted the informant causing head injury and when his wife came to save him, accused persons also assaulted her and causing head injury to the wife of the informant.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. itself that due to drainage dispute, the present occurrence had taken place. Although, there is specific and direct allegation against the petitioner that he assaulted along with one other co-accused person to one Md. Naseem and Md. Naseem received injury but the injury report of Md. Naseem suggests that the injury is simple in nature caused by hand and blunt object.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the injury inflicted upon the injured person is simple in nature, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Gaya in connection with Wazirganj P.S. Case No. 312 of 2022, 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) 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.

(2) If the petitioner tampers 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 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 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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