

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18417 of 2025**

Arising Out of PS. Case No.-252 Year-2024 Thana- SARMERA District- Nalanda

Rustam Kumar S/O Ajay Kumar Singh @ Ajay Singh R/O Village- Isua, P.S-
Sarmera, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Raj, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 23-04-2025 Heard Mr. Madhav Raj, learned counsel for the
petitioner and Mr. Rajendra Singh, learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Sarmera P.S. Case No. 252 of 2024, F.I.R. dated
06.11.2024 registered for the offences punishable under Sections
115(2), 126(2), 109(1), 118(1), 352, 304(2) and 3(5) of the B.N.S.

3. Allegation against the petitioner is of assaulting the
informant with Khanti on his head due to which he sustained
head injury.

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 admitted land dispute the present
occurrence had taken place and there is case and counter case



between the parties. Although, there is direct and specific allegation that the petitioner that he assaulted the informant with Khanti on his head and he has received head injury. Learned counsel for the petitioner has annexed the final injury report of the informant Jayshankar Kumar which suggests that he has not received any injury on his head which suggests that the allegation as alleged in the F.I.R. not supported by the medical evidence.

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

6. Considering the aforesaid facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is case and counter case between the parties as well as injury inflicted upon the injured person as alleged in the F.I.R. not supported by the medical evidence, 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 Judicial Magistrate, Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 252 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) 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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