

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16748 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- KHARIK District- Bhagalpur

Md. Isriel S/O Late Md. Dukhan Sah Resident of Village- Mirzafari, Police Station- Kharik, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2025 Heard Mr. Sunil Kumar Singh, learned counsel for the petitioner as well as Mr. Nazir Ansari, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kharik P.S. Case No. 10 of 2025, F.I.R. dated 13.01.2025 for the offences punishable under Sections 109 and 3(5) of the Bhartiya Nayay Sanhita, 2023 and Section 27 of the Arms Act.

3. According to prosecution case, the informant alleged that the petitioner repeatedly assaulted him and his wife. One day while he was plying his three-wheeler (tempo) at road no. 14 carrying two passengers then one of the unknown passengers stopped the tempo, dragged him, fired a shot, the informant was injured by the gun powder.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The informant is the son of the petitioner and it appears from the FIR itself that due to previous dispute the presence occurrence has been taken place although there is specific allegation that some persons have fired upon the petitioner, but it appears from the impugned order itself that no injury was sustained to the father of the informant and due to some dispute, the petitioner has falsely been implicated by the informant, who is happen to be the son of the petitioner.

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

6. Considering the aforesaid facts that the petitioner has clean antecedent and the informant has not received any injury as alleged in the FIR, 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) each with two sureties of the like amount each to the satisfaction of the learned First Additional Chief Judicial Magistrate, Naugachia in connection with Kharik P.S. Case No. 10 of 2025, subject to the conditions as laid down under Section

438(2) of the Code of Criminal Procedure 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 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.)

Jyoti Kumari/-

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