

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21480 of 2025

Arising Out of PS. Case No.-167 Year-2019 Thana- PARIHAR District- Sitamarhi

Md. Gulzar S/o Md. Mukhtar @ Mukhatar R/o vill- Sutihara, P.S.- Parihar,
Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Adv.
For the Opposite Party/s	:	Mr. Arun Kumar, APP
For the Informant	:	Mr. Waliur Rahman, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 19-09-2025 Heard Learned Counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The present Criminal Miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “the BNSS”) for seeking regular bail in connection with Parihar P.S. Case No.167 of 2019 under Sections 341, 323, 324, 504, 506, 307, 354, 302, 109 and 34 of the IPC.

3. As per the prosecution, the F.I.R. has been lodged against 20 named accused persons including the petitioner with allegation that they all in connivance with each other have assaulted the informant’s side.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He submits that in the entire FIR, there is no specific act or overt act against the petitioner save and except, his name is there. He further submits that the only thing which is against the petitioner is that he has earlier moved before this Hon'ble Court for anticipatory bail in the year 2020 along with two other co-accused, but the same has been rejected vide order dated 18.09.2020 passed in Cr. Misc. No.6129 of 2020 with specific direction that if they shall surrender before the court below within four weeks, then the trial court shall pass order on its own merit without being prejudiced by the present order.

5. Counsel further submits that under compelling circumstances, the present petitioner could not surrender before the court below and he has been arrested on 18.01.2025 and now he is in custody for about 9 months.

6. Counsel further submits that charge has already been framed in this case and evidence of prosecution witnesses have been started.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is one of the assailant against whom there is allegation in the FIR of assault. He further submits that in the anticipatory bail, there



were 3 petitioners, namely, Md. Gulzar (present petitioner), Md. Aslam and Abdul Quddus) whose bail application was rejected vide order dated 18.09.2020 passed in Cr. Misc. No.6129 of 2020.

8. Counsel further submits that co-accused, Md. Aslam has moved before the Co-ordinate Bench of this Court vide order dated 14.02.2025 passed in Cr. Misc. No.88115 of 2024, but his bail application was rejected and this Hon'ble Court has pleased to consider that the petitioner did not surrender and only almost after four years, he has been arrested by police on 16.08.2024. In the meantime, the trial of the petitioner has been separated and the trial of the other accused has progressed.

9. Therefore, counsel for the informant submits that the bail application of the petitioner may be rejected.

10. Learned APP for the State opposes the prayer for bail and submits that bail application of similarly situated persons have been rejected.

11. Upon hearing the parties, it transpires to this Court that there is specific plea against Md. Aslam that he has been involved in causing injuries to the prosecution's side. Here in the present case, there is no specific allegation rather general



and omnibus allegation against the petitioner. The petitioner has already been arrested and charge has been framed and trial has commenced and no purpose shall be served keeping the petitioner into custody.

12. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of Judicial Magistrate-1st Class, Sitamarhi in connection with Parihar P.S. Case No.167 of 2019, subject to the following conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with further condition that :-

13. The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself.

(Dr. Anshuman, J.)

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