

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22081 of 2025

Arising Out of PS. Case No.-53 Year-2023 Thana- Kaler District- Arwal

Mansur Khan Son of Mogal Khan, R/o Village -Kaler PS -Kaler Dist -Arwal

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shams Alam, Advocate
For the State : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-07-2025 Heard Mr. Shams Alam, learned counsel for the
petitioner and Mr. Madan Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Kaler P.S. Case No. 53 of 2023, F.I.R. dated 15.04.2023 registered for the offences punishable under Sections 109, 353, 427/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 15.04.2023 at about 17:45, the informant got an information that on NH139, a Container (vehicle) accident a person who became died, after this informant reached place of occurrence, he saw a dead body was lying on the road and accident container was standing near the dead body. Khurram Khan, Mansur Khan and Afser Khan @ Samir Khan was talking to damage the container. Further stated that by the help of CCTV footage, where the container was standing, something was brought near the motorcycle shop.



Further stated that inflammable substance was brought by the Afser Khan @ Samir Khan.

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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. From perusal of the F.I.R. it appears that the main accused in the present case is Afser Khan @ Samair Khan and although the name of the petitioner is there but there is no specific allegation of any assault or overt act attributed against the petitioner and the name of the petitioner has been transpired on the basis of disclosure made by local people on the basis of CCTV footage.

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 there is no accusation against the petitioner in the F.I.R., 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 Sub-Divisional Judicial



Magistrate, Arwal in connection with Kaler P.S. Case No. 53 of 2023, 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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