

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23872 of 2025

Arising Out of PS. Case No.-153 Year-2024 Thana- NATIONAL HIGHWAY District-
Samastipur

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Md. Rahis @ Md. Raish S/o Md. Nayim @ Md Nahim R/o of Village-
Rahimabad, Tole Murgiachak, P.S.- N.H.Bangra, District- Samastipur
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-05-2025 Heard Mr. Dilip Kumar Roy, learned counsel for the

petitioner and Mr. Chandra Sen Prasad Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with N.H. Bangra P.S. Case No. 153 of 2024, F.I.R. dated
13.12.2024 for the offences punishable under Sections 191(2),
191(3), 190, 126(2), 115(2), 118(1), 352, 351(2), 303(2), 109(1),
324(5) of the Bhartiya Nyay Sanhita, 2023.

3. As per the First Information Report, the informant
alleged that one labour died in the factory due to truck accident
and due to this petitioner along with other persons around 150 in
numbers, gathered and destroyed the factory.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. Although the petitioner is named in the FIR but from



bare perusal of the FIR it appears that there is no specific allegation of assault or overt act against the petitioner and allegation levelled against the accused persons including the petitioner is general and omnibus. He further submits that as per allegation is concerned that some of the persons have been injured in the present occurrence, no injury report is available in the record which suggest that anyone has received injury in the present occurrence and for the same set of occurrence one case is filed by the informant and second one by the police officials bearing N.H. Bangra P.S. Case No. 154 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, there is no specific allegation of assault or overt act against the petitioner and for the same set of allegation, the petitioner has been made accused in two cases, 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class,



Samastipur in connection with N.H. Bangra P.S. Case No. 153 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 bond 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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