

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23348 of 2025

Arising Out of PS. Case No.-303 Year-2024 Thana- DHAKA District- East Champaran

Shahjad @ Sazzad Akhtar S/o- Abdul Rahman @ Rahman Mian Village-
Lahan Dhaka Ps- Dhaka Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2025 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner and Mr. Abhay Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dhaka P.S. Case No. 303 of 2024, F.I.R. dated 19.07.2024 for the offences punishable under Sections 191(2), 191(3), 190, 329(3), 324(4), 326(g), 109, 132, 221, 121(1), 121(2), 61(2) of the Bhartiya Nyay Sanhita, 2023 and section 3 and 4 of Damage to Public Property Act.

3. As per the First Information Report, the informant alleged that while he was opening the centering of the toilet of the newly constructed house of Mahavir Thakur, he found that four labourers suffocated in the toilet tank and later on they were brought to the sub-Divisional Hospital, Dhaka for treatment and declared dead. Thereafter locals accompanying



became furious and vandalized the ICU ward and other rooms of the hospital, overturned the ambulance parked in the hospital premises and set it on fire and attacked the fire brigade vehicle and police force with bricks and stones.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Although the petitioner is named in the FIR but bare perusal of the FIR it transpires that there is no specific allegation of assault or overt act against the petitioner rather the allegation levelled against the petitioner is general and omnibus and similarly situated co-accused person, namely, Asmat @ Md. Ashmat @ Mohammad Ashamat Ansari vide order dated 26.03.2025 in Cr. Misc. No. 7798 of 2025 has been granted the privilege of anticipatory bail by the co-ordinate bench of this Court and Kalamuddin Mansoori @ Kalamuddin Ansari vide order dated 24.10.2024 in Cr. Misc. No. 74459 of 2024 has been granted the privilege of regular bail by the co-ordinate bench of this Court.

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

6. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioner and the



petitioner has clean antecedent and similarly situated co-accused persons have been granted the privilege of anticipatory and regular bail, 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 Sub-Divisional Judicial Magistrate, Sikrahna at Dhaka, East Champaran, Motihari in connection with Dhaka P.S. Case No. 303 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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