

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27215 of 2025

Arising Out of PS. Case No.-428 Year-2020 Thana- SIWAN CITY District- Siwan

Habib Miya @ Habibul Hassan S/O Nurul Hoda Resident of Mohalla- M.M. Colony, Siwan, P.S.- Sarai O.P., District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-05-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Siwan Town P.S. Case No. 428 of 2020 for the offence registered under sections 447, 147, 341, 323, 324, 325, 307, 379, 504 of the I.P.C. and Section 27 of the Arms Act lodged on 03.1.2020 by the informant, Ejaj Ahmad.

3. As per the prosecution story, the informant alleged that there was a fight between the informant's son and the nephew of Akhlaq on the point of mobile. Later, the family of the Akhlaq came and assaulted the informant's side inasmuch as:

*(i) Akhlaq @Tabrez gave iron rod
blow on the right side of the chest;*



(ii) Salaman hit the informant with an iron pipe causing injury on the left shoulder and the face;

(iii) they also used sticks and sickles to injure the other informant's side;

(iv) Tabrez again took out the pistol and opened fire which however, did not hit anyone.

4. The allegation of snatching of the amount/golden ornaments are also there. This led to the FIR.

5. Learned Counsel for the petitioner submits that he has no role to play in the matter, only because he belongs to the family of the accused side, got implicated. The petitioner is an old person having no criminal antecedent and had no knowledge about his implication which led to delayed coming to the Court. The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 10,000/- to the District Legal Services Authority, Siwan for the purchase of Journals (SCC/BLJ/PLJR/Bare Acts) for the Civil Court, Siwan through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he was also part of the party which assaulted the informant's side.



7. Considering the submissions as also that the petitioner is an old person having no criminal antecedent, FIR lodged, he shall be facing the trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs.10,000/- to the District Legal Services Authority, Siwan for the purchase of Journals for the Civil Court, Siwan through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase be submitted to the Trial Court by the DLSA, Siwan.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Siwan Town P.S. Case No. 428 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Siwan for his perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

