

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25183 of 2025

Arising Out of PS. Case No.-161 Year-2024 Thana- R S P.S. District- Araria

1. Md. Zahid @ Zahid S/O Iliyas
 2. Mehraj @ Minhaz S/O Md. Zahid @ Zahid
 3. Bibi Iira @ Bibi Harira W/O Md. Zahid @ Zahid
 4. Bibi Nazia D/O Md. Zahid @ Zahid
 5. Md. Arif S/O Iliyas
- All 1 to 5 R/O Murballa Chowk, Ward no.- 1, P.S.- Araria, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2025 Heard Mr.Nishant Kumar Sinha, learned counsel for the petitioners and Mr.Shahabuddin Azeem @ S. Azeem, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Araria R.S. P.S.Case No.161 of 2024, FIR dated 25.10.2024 registered for the offences punishable under Sections 191(1),190,126(2),115(2),303(2),76,352,351(2) & 3 of the Bhartiya Nyaya Sanhita, 2023.

3. Allegation against the petitioners is that they alongwith other co-accused persons assaulted the father of the informant and his family members and also taken money from



his father's pocket and chain.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Although the petitioners are named in the FIR but from a bare perusal of the FIR it transpired that due to admitted land dispute, the present occurrence had taken place. Both the parties are agnates to each other. In fact the father of the informant has executed a sale deed with respect to the land in question on 09.07.2024 in favour of petitioner No.1 and apart from that, there is case and counter case. Although the petitioners are named in the FIR but from a bare perusal of the FIR it transpired that there is specific allegation against the petitioners that they alongwith other co-accused persons assaulted the father of the informant and his family members and due to present occurrence, both sides have received injuries.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is case and counter case and both sides have received the injury, let the petitioners, above named, in the



event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria R.S. P.S. Case No.161 of 2024, 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:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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