

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25930 of 2025

Arising Out of PS. Case No.-342 Year-2013 Thana- FORBESGANJ District- Araria

Md. Tanwir @ Tanwir Azad, S/o- Abdul Wahid, Resident of Village- Doria
Sonapur, PS- Semraha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suresh Pd. Singh No. 2, Advocate. Ms. Kumari Rashmi, Advocate. Mr. Arvind Kumar Srivastava, APP
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 09-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Forbesganj (Semraha) P.S. Case No. 342 of 2013, dated 30.08.2013 registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 34 of the Indian Penal Code.

3. As per allegation, the informant is alleged to have been attacked by co-accused Md. Razi by *farsa* whereas co-accused Md. Mukhtar snatched Rs.28,000/- from the pocket of the informant and assaulted him on his head by rod and later on, Md. Faiyaz has abused and assaulted the son of the informant. However, further case of the petitioner is that the petitioner was



also seen to be fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that even as per the FIR, there is no allegation of any assault by the petitioner against the alleged victim. The petitioner is only alleged to have been fleeing away from the place of occurrence which is totally false and fabricated allegation. He also submits that though process under Sections 82 and 83 Cr.PC have been issued by the Court but prior to this process, he was not aware of any process issued by the Court. He also filed order-sheets of learned court below showing that there is no report of the execution of the process issued by the Court against the petitioner prior to process under Sections 82 and 83 Cr.PC. Hence, process under Sections 82 and 83 Cr.PC is no hurdle in grant of anticipatory bail and the anticipatory bail is very much maintainable. The learned court below has wrongly dismissed the application of the petitioner for anticipatory bail saying that in view of process under Sections 82 and 83 Cr.PC, his anticipatory bail petition is not maintainable. He refers to and relies upon **Mangli Devi and Ors. Vs. State of Bihar** passed by this Court as reported in **2025 SCC OnLine Pat 2629/MANU/BH/1234/2025**, whereby



this Court has clearly held as follows:-

“16. Hence, it clearly emerges that the anticipatory bail petition of a Petitioner facing accusation is maintainable, even if the proceeding under Sections 82 and 83 Cr.PC/Sections 84 and 85 B.N.S.S, have been initiated against him. However, grant or rejection of anticipatory bail would depend upon the facts and circumstances of the case. The Court is required not only to see the circumstances under which the proceedings under Sections 82 and 83 Cr.PC/Sections 84 and 85 B.N.S.S. were taken, but, even the nature of the allegation and the material in support thereof is also required to be looked into. The Court is also required to consider the factum of the proceeding taken under Sections 82 and 83 Cr.PC/Sections 84 and 85 B.N.S.S. seriously and not casually, while considering the anticipatory bail petition of such accused.”

5. Considering the aforesaid facts and circumstances of the case, nature of allegation against the petitioner and no service of any process prior to the process under Sections 82 and 83 Cr.PC, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned court below in connection with Forbesganj (Semraha) P.S. Case No. 342 of 2013, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:

(i) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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