

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25175 of 2025

Arising Out of PS. Case No.-233 Year-2024 Thana- BAHERI District- Darbhanga

1. Shakil Ahmad @ Shakil Ahmad Shah
2. Shahid Ali. Both Sons of Wasir Ahmad
3. Md. Neyaz S/o Shakil Ahmad
All Resident of Village- Jorja Tole, Parharpur, P.S.- Baheri, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Harun Quareshi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2025 Heard Mr.Md Harun Quareshi learned counsel for the petitioners and Mr.Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Baheri P.S.Case No.233 of 2024, FIR dated 08.07.2024 registered for the offences punishable under Sections 341,323,324,308,384,379,504 and 506/34 of the Indian Penal Code.

3. As per FIR, prosecution case in brief is that on 12-06-2024 Ward Member Ibrar Alam was constructing road in front of house of the informant and informant, his brother Asdullah, Mintullah were also cooperating in the construction



work. It is alleged that accused Shakil Ahmad Sha, Shahid Ali, Saddam, Mehraj, Neyaz, Md. Shahnawaz, duly armed with iron rod, farsa, lathi came there. It is alleged that accused Shakil Ahmad demanded rangdari of Rs.1,00,000/- from the informant and when informant objected then accused Saddam gave an iron rod blow on the head of the informant, due to which he sustained injury and blood was oozing out. It is further alleged that accused Md.Shahnawaz gave iron blow on informant's brother Asdullah, which hit near his left ear. It is further alleged that accused Md. Meraj gave iron rod blow upon informant's brother Md. Minatullah, due to which he sustained injury. It is further alleged that accused persons assaulted to the informant and his brothers and accused Neyaz took away Rs.2000/- from the pocket of the informant. On hulla villagers came there and saved them and took them to the DMCH for treatment.

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 there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is specific allegation of assault attributed against co-accused



persons, namely, Saddam, Md.Shahnawaz and Md. Meraj.

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 and there is no specific allegation of any assault or overt-act attributed against the petitioners, 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 A.C.J.M.-VII, Darbhanga in connection with Baheri P.S.Case No.233 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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