

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30895 of 2025

Arising Out of PS. Case No.-421 Year-2024 Thana- KAUWAKOL District- Nawada

1. Md. Sajjad Alam S/o Md. Rahman Miya Resident of village- Jasba Jabra, P.s. - Kawakole, Distt.- Nawada
2. Md. Arif @ Md. Arif Raza S/o Md. Quayum Ansari Resident of village- Jasba Jabra, P.s. - Kawakole, Distt.- Nawada
3. Md. Ainul @ Md. Anail S/o Md. Quayum Miya Resident of village- Jasba Jabra, P.s. - Kawakole, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hafiz Shahbaz Arif, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-05-2025 Heard learned Counsel for the petitioners, the State
as also the informant.

2. The petitioners apprehend their arrest in connection with Kawakole P.S. Case No. 421 of 2024 for the offence registered under sections 126(2), 115(2), 117(2), 109, 303(2), 351(3), 352 of the BNS lodged on 01.12.2024 by the informant Kamal Alam.

3. As per the prosecution story, the informant alleged that due to dispute of using water from the motor pump, both the agnates had free fight in which injuries were inflicted on the informant's side to half a dozen people, which led to the FIR.



4. Learned Counsel for the petitioners submit that there is case and counter case, omnibus allegation against all the accused persons, they have no criminal antecedent and shall be diligently appearing in trial. The last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 20,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned counsel for the informant opposes the prayer submitting that they all ensured assault to half a dozen people from the informant's side which include two ladies of which though injuries of others have been found to be simple in nature, the assault on the hip of Md. Asgar Ali has been found to be grievous.

6. Considering the submissions of the parties as also that omnibus allegation is there against the petitioners, both are agnates, none have criminal antecedent, there is case and counter case, FIR lodged, they shall be facing the trial, in that background, this Court is inclined to grant them the anticipatory



bail with conditions subject to payment of Rs. 20,000/- to Md. Asgar Ali as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioners 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 J.M. 1st Class, Nawada in connection with Kawakole P.S. Case No. 421 of 2024 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 petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

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



(iv) the petitioners 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 petitioners 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.

(Rajiv Roy, J)

Vijay Singh/-

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