

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29549 of 2025

Arising Out of PS. Case No.-932 Year-2022 Thana- MADHEPURA District- Madhepura

Md. Sadre Alam S/o Kailu Miya @ Md. Kailu Miyan R/o - Gadhiya, Ward
No 3, P.S. - Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-07-2025 Heard Mr. Nafisu Zzoha, learned counsel for the

petitioner and Mr. Aditya Narayan Singh 1, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhepura P.S. Case No. 932 of 2022, F.I.R. dated 29.09.2022 for the offences punishable under Sections 341, 323, 324, 326, 307, 379, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with one other accused person have pointed three nut pistol on the informant's brother and demanded money and on refusal, they gave a knife blow to him causing him injuries.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. Although the brother of the informant has received injury but from perusal of the F.I.R it is not clear that who has assaulted to the brother of the informant and on investigation it has come in paragraph no. 44 of the case diary which is the statement of the wife of the informant's brother in which she has categorically stated that one Md. Noor Alam has assaulted her husband. He further submits that the similarly situated co-accused, namely, Basira Khatoon and Anr have been granted anticipatory bail by this Court vide order dated 25.10.2024 passed in Cr. Misc. No. 41775 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R it appears that the petitioner was also involved in the present crime in question and apart from that the petitioner has used the arms in committing the present crime.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the similarly situated co-accused persons have been granted anticipatory bail by this



Court, let the petitioner, above named, in the event of 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) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-I, Madhepura in connection with Madhepura P.S. Case No. 932 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. 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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