

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28892 of 2025

Arising Out of PS. Case No.-136 Year-2024 Thana- SHEKHPURA District- Sheikhpura

Akbar Ali S/O Late Nasim Ahmad @ Syed Nasim Uddin Village- Katnikol,
PS- Sheikhpura, District- Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2025 Heard Mr.Pramod Kumar Sinha, learned counsel for
the petitioner and Mr.Madhura Nand Jha, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sheikhpura P.S. Case No.136 of 2024, dated 03.03.2024 registered for the offences punishable under Sections 147,149,323,341,324,379,307 of IPC.

3. The prosecution case, in short, is that allegedly, while the going Sheikhpura from Pathraitha having mobile accessories, in the way, the accused persons including the petitioner having been armed with weapons surrounded and assaulted him as a result of which, he sustained injuries.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the



present case. Although the petitioner is named in the FIR. From a bare perusal of the FIR it appears that the FIR is in two parts. In 1st part, there is general and omnibus allegation against all the accused persons including the petitioner and in 2nd part, there is specific allegation against co-accused persons, namely, Tushar Yadav and Shoeb Akbar and similarly situated co-accused persons, namely, Tushar Yadav and others have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 25.02.2025 passed in Cr. Misc. No.10156 of 2025 and there is no specific allegation of any assault or overt-act attributed against the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the FIR and apart from that, the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, there is no specific allegation of any assault or overt-act attributed against the petitioner and similarly situated co-accused persons, namely, Tushar Yadav and others have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court,



let the petitioner, above named, in the event of his 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 learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No.136 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) 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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