

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31209 of 2025

Arising Out of PS. Case No.-358 Year-2024 Thana- BELHAR District- Banka

1. Nezam Mian @ Nizam Shekh S/O Biral Mian
 2. Munni Begam @ Munni Bibi W/O Nizam Mian
 3. Biral Mian S/O Naivi Mian
 4. Aftariya Shekh @ Avatari Shar W/O Biral Mian
 5. Rani Khatoon D/O Naushad Khatoon
- All are R/O Village- Sangrampur, P.S- Sangrampur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-05-2025 Heard Mr.Dhananjay Kumar Pandey,, learned
counsel for the petitioners and Mr.Jharkhandi Upadhyay,
learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners is directed to
make necessary correction in the bail petition in course of the
day.

3. The petitioners are apprehending their arrest in
connection with Belhar P.S.Case No.358 of 2024, FIR dated
15.11.2024 registered for the offences punishable under
Sections 191(2), 190, 126(2), 115(2), 121(1), 221, 132, 352,
351(2), 303(2), 324(4), 326(A) of B.N.S.



4. Allegation against the petitioners is that they alongwith co-accused persons assaulted to police personnel by means of lathi, danda, bricks and stones with a view to deter them from discharge of duty and to make free the accused, namely, Mithun Shekh of Belhar P.S. Case No.319 of 2024 from the clutches of police personnel. The petitioners and co-accused persons also damaged the vehicle of raiding team.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR that there is no specific allegation of any assault or overt-act attributed against the petitioners. Allegation against the petitioners is that they alongwith co-accused persons assaulted to police personnel and also obstructed the police personnel from discharging the official duty and make free the accused person, namely, Mithun Shekh.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general



and omnibus allegation against all the accused persons including 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 Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No.358 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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