

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37305 of 2025

Arising Out of PS. Case No.-186 Year-2024 Thana- CHHAURADANO District- East
Champaran

Jafare Alam S/O Tabarakh Miya R/O Village- Juafar, P.S- Chhauradano,
Distt.- East Champaran, Bihar. Petitioner/s
Versus
The State of Bihar Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 40560 of 2025

Arising Out of PS. Case No.-186 Year-2024 Thana- CHHAURADANO District- East
Champaran

1. SADARE ALAM S/O AMRUDDIN MIYA R/o vill - Juafar, P.S.-
Chhauradano, Distt.- East Champaran
 2. Jumai Mian S/o Kalmuddin Mian R/o vill - Juafar, P.S.- Chhauradano,
Distt.- East Champaran
 3. Meraj Mian S/o Amruddin Miya R/o vill - Juafar, P.S.- Chhauradano, Distt.-
East Champaran
- Petitioner/s
Versus
The State of Bihar Bihar Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 37305 of 2025)
For the Petitioner/s : Mr. Ravi Raj, Adv
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP
(In CRIMINAL MISCELLANEOUS No. 40560 of 2025)
For the Petitioner/s : Mr.Sharda Nand Mishra, Adv
Mr. Atul Kumar, Adv
Ms. Isha Mishra, Adv
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 20-06-2025 Heard learned Counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners are apprehending their arrest in a
case registered for the offence punishable under Section 126(2),
115, 352, 109, 87, 303(2) and 3(5) of the B.N.S.

3. The prosecution story in brief is that the informant
alleged that earlier one Sadre Alam (Petitioner) had kidnapped



the minor daughter of the informant for which a panchayati was held. In the meantime, with premeditated intention, Tabrej Alam and Sadre Alam assaulted the informant's side. It has been stated in the FIR that the co-accused Amruddin Miyan and Mustak Miyan, they both gave blows by sword (talwar) upon Tabrez Alam and Sadre Alam, resulting in serious injuries. Consequently, petitioners are also alleged to have assaulted other persons causing injuries to them.

4. Submission on behalf of petitioner namely Jafare Alam

Learned counsel for the petitioner submits that the informant has exaggerated the actual incident which had occurred. He further submits that there is no specific allegation alleged against the petitioner and he has only been stated to be a member of the mob. It is lastly submitted that the petitioner has clean antecedent.

5. Submission on behalf of petitioner namely Sadare Alam.

Learned counsel for the petitioner submits that the petitioner has assaulted the informant side, however, no specific overt act has been assigned to him. Learned counsel further submits that the parties have compromised within themselves, however, since the offences are not compoundable, they have



made an application before the learned court below and a copy of such application of compromise petition has been brought on record by way of Annexure P-2 as contained in the supplementary affidavit filed by the petitioner Sadare Alam. It is next submitted that the co-accused, namely, Amaruddin Miya and Md. Mostak Miyan, have already been granted bail by this Court vide order 22.04.2025 passed in Cr. Misc. No. 83518 of 2024. It is further stated that the petitioner Sadre Alam has been married to the daughter of the informant and they are staying together. It is lastly submitted that the petitioner has clean antecedent.

6. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that there is specific allegation against the petitioners to have assaulted the injured persons causing grievous injuries to them.

7. Considering the aforesaid submissions of the parties, let the above named petitioners, in the event of their arrest/surrender within a period of four weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, in connection with Chhauradano P.S. Case No.



186 of 2024, subject to the following conditions:-

- (i) *One of the bailors will be close relative of the petitioners.*
- (ii) *The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.*
- (iii) *In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.*
- (iv) *If the petitioners are found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of their bail bond.*
- (v) *The learned 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 antecedent, 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.*

8. The applications stand allowed.

(Sourendra Pandey, J)

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