

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33093 of 2025

Arising Out of PS. Case No.-106 Year-2023 Thana- SIKTI District- Araria

Nayeem @ Md. Nayeem Ansari S/o Tahir R/o Village- Khoragaach, Momin
Tola, Ward No. 10, P.S.- Sikty, District- Araria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Akhter Hussain, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2025 Heard Mr. Mohammad Akhter Hussain, learned
counsel for the petitioner and Mr. Md. Iftekhar Mahmood, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Sikty P.S. Case No. 106 of 2023, F.I.R. dated 13.04.2023 for
the offences punishable under Sections 341, 323, 324, 325, 307,
504, 506/34 of the Indian Penal Code.

3. As per the First Information Report, the informant
alleged that on 13.04.2023 the petitioner along with other accused
persons came to his house and started constructing road on his
private land and when his father and uncle intercepted, they
assaulted them.

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



in the present case. There is case and counter case between the parties. Although there is specific allegation that the petitioner assaulted to one Ashiq Ansari and he received injury. He further submits that the trial of co-accused person, namely, Jawed @ Jawed Nihal @ Jawed Nihal Ansari has begin and the informant and other accused person have deposed before the learned trial court and stated that he has not filed FIR against the accused persons and apart from said Jawed @ Jawed Nihal @ Jawed Nihal Ansari has been acquitted by the learned trial court by order dated 18.03.2024 in S.T. No.548 of 2024 and part from that petitioner has also annexed the joint petition filed by the informant and co-accused persons in which the informant stated that he is not eager to pursue the matter.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and co-accused person has been acquitted from the learned trial 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 SDJM, Araria in connection with Sikty



P.S. Case No. 106 of 2023, 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 bond 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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