

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36739 of 2025

Arising Out of PS. Case No.-99 Year-2025 Thana- BATHNAHA District- Sitamarhi

Md. Hasmat @ Ash Mohammad S/o Late Basir Miyan R/o Village-
Bharampur, PS- Bathnaha, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-08-2025 Heard Mr. Ritesh Kumar Narain Singh, learned
counsel for the petitioner and Mr. Rana Randhir Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bathnaha P.S. Case No. 99 of 2025, F.I.R. dated 02.03.2025 for the offences punishable under Sections 126(2), 127(2), 115(2), 118(1), 74, 303(2), 117(2), 351(2), 351(3), 352 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, all the accused persons including this petitioner assaulted the informant and his wife and daughter. This petitioner assaulted the informant by means knife.

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 the petitioner is named in the F.I.R and there is specific allegation against the petitioner that he has assaulted the informant by means of knife due to which he has received injury but the injury report of the informant suggest that the injury is simple in nature.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that there is specific allegation against the petitioner that he has assaulted to the infomrant.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is case and counter case between the parties and the injury received by the informant is simple in nature, 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 the learned Judicial Magistrate, Sitamarhi in connection with Bathnaha P.S. Case No. 99 of 2025, 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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