

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38180 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- VAINI District- Samastipur

Md. Afaq S/o- Md. Tahir Vill - Akhtiyarpur chandauli Ps - Waini, Dist-
Samastipur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate
For the State : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-08-2025 Heard Mr. Piyush Kumar Pandey, learned counsel for
the petitioner as well as Mr. Vinod Shanker Modi, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Waini P.S. Case No. 27 of 2025, F.I.R. dated 30.03.2025 for the offences punishable under Sections 115(2), 126(2), 118(1), 109(1), 351(2), 352, 303(2), 3(5) of the BNS, 2023.

3. According to prosecution case, the petitioner along with other co-accused persons is said to have assaulted the informant and his family members. It is further alleged that some accused persons fired shots in the air, robbed Rs. 25,000/- cash and also snatched gold chain from informant's sister-in-law.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the FIR



itself that due to admitted land dispute, the present occurrence has taken place and there is case and counter case between the parties. It is further submitted that there is specific allegation against the petitioner that he has assaulted the informant by means of iron rod and the informant has received injury but his injury report suggests that injury is simple in nature caused by hard and blunt substance and in the present occurrence both sides have received injuries. It is further submitted that one Mutation Appeal Case No. 1194 of 2024-25 is going on between the parties which is pending before the Court of learned DCLR, Samastipur.

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

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent, there is case and counter case between the parties and injury inflicted upon the informant is simple in nature caused by hard and blunt substance, 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 A.C.J.M.- 1st, Samastipur in connection with Waini P.S. Case No. 27 of 2025, subject to the conditions as laid down under Section 438(2) of the



Code of Criminal Procedure/ 482(2) of the 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 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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