

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38321 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- GARHI District- Jamui

Mustakim Ansari @ Md. Mustakim Ansari S/o Late Md. Aziz R/o Village-
Mudbaro, P.S.- Garhi, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2025 Heard Mr. Satya Prakash Parasar, learned counsel

for the petitioner and Mr. Brajendra Nath Pandey, learned APP

for the State.

2. The petitioner is apprehending his arrest in connection with Garhi P.S. Case No. 01 of 2025, F.I.R. dated 02.01.2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in briefs, is that on 02.01.2025 the informant was taking tea at the house of Jainul Miyan with Bambam Pandit, Safgar Miyan, Sattar Miyan and thereafter they all came out of the Jainul Miyan's house and as they left the house an unidentified person attacked on Bambam Pandit with Hasuli, thereafter the same persons also gave Hasuli



blow over the informant causing injury to the palm and finger of the left hand of the informant. Bambam Pandit fell down on the ground and the informant fled away from the place of occurrence. There was darkness at the time of occurrence and therefore, the informant was unable to identify the assailant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. The petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the statement of one Pramila Devi which was recorded in paragraph-12 of the case diary which suggests that the petitioner was involved in the present occurrence. Learned counsel for the petitioner further submits that the injured person namely Bambam Pandit has not disclosed the name of the petitioner and Pramila Devi is the wife of Bambam Pandit who has disclosed the name of the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that Pramila Devi disclosed the name of the petitioner and part from that one Arman Ansari also disclosed the name of the petitioner which was recorded in paragraph-139 of the case diary.



6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation and even the injured person has not disclosed the name of the petitioner, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jamui in connection with Garhi P.S. Case No. 01 of 2025, 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 :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) 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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