

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38181 of 2025

Arising out of PS. Case No.-1 Year-2025 Thana- MANPUR District- West Champaran

1. Rahamat Vani S/o Ajijul Rahaman @ Ajiju Rahman @ Ajiju Rahamn @ Ajijurahman R/o Village -Pachrukha, P.S- Manpur, Dist- West Champaran
2. Rijwan @ Md. Rijwan S/o Ajijul Rahaman @ Ajiju Rahman @ Ajiju Rahamn @ Ajijurahman R/o Village -Pachrukha, P.S- Manpur, Dist- West Champaran
3. Irshaad @ Irshad Alam S/o Ajijul Rahaman @ Ajiju Rahman @ Ajiju Rahamn @ Ajijurahman R/o Village -Pachrukha, P.S- Manpur, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Khushi Awadh, Advocate
For the Informant	:	Mr. Mahtab Alam, Advocate
For the State	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 27-06-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Manpur P.S. Case No. 01 of 2025 for the offences under Sections 191(2), 191 (3), 190, 126 (2), 115 (2), 118 (1), 117 (2), 109, 76, 352, 351 (2), 351 (3) of BNS, 2023. The petitioner nos. 1 & 2 have no criminal antecedent whereas the petitioner no. 2 namely Rijwan @ Md. Rijwan has one criminal antecedent, i.e., Bhangha P.S. Case No. 62 of 2020



registered under Sections 147, 148, 149, 341, 342, 323, 379, 413, 353, 387, 420 and 406 IPC and Sections 4/30(A) of BMC Rules, 1972 & 15 of Environment Act, 1986, Section 21(4) MMDR Act, 1957 & Amendment 2015 and Section 3 of Prevention of Damage & Public Property Act, 1984.

3. As per prosecution case, the petitioners and other co-accused persons, in the background of dispute over right to use the land, assaulted the informant and his family members with lathi, danda, iron rod, spear and sword. The victims received a number of injuries.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is further submitted by learned counsel for the petitioners that no occurrence took place in the manner as alleged and the informant in collusion with the police in order to make a defence has lodged this false case as for the same occurrence, Manpur P.S. Case No. 02 of 2025 has been registered against the informant's side as the informant's side brutally assaulted the petitioners and their family members causing severe injuries to them. It is also submitted by learned counsel for the petitioners that in the said case, fardbeyan of the informant Ajiju Rahman has been recorded in hospital on



02.01.2025 and the same was sent to the court of learned ACJM on 07.01.2025, on the other hand, on the written report of the informant of the present case, the FIR has been lodged on 01.01.2025, but the same was sent to the court of learned ACJM only on 07.01.2025. This shows after lodging of the case by the petitioners' side, in order to prepare a defence against the said case, the present case has been lodged after much delay, but the police in collusion with the informant has not sent the case of the petitioners to the court within time and concocted a case against them. It is next submitted by learned counsel for the petitioners that the allegations are general and omnibus against twenty named accused persons and there is no specific allegation against any of the accused persons and the injury report, which has been brought on record, also suggests that most of the injured persons have received simple injuries. It is submitted by learned counsel for the petitioners that whole family members and relatives of the informant of Manpur P.S. Case No.02/2025 have been made accused in this case. It is lastly submitted by learned counsel for the petitioners that similarly situated co-accused persons have already been granted bail by a Co-ordinate Bench of this Court *vide* order dated 20.05.2025 passed in Cr. Misc. No. 31890 of 2025 as well as by



this Court *vide* order dated 26.05.2025 passed in Cr. Misc. No. 20202 of 2025 and the petitioner nos. 1 & 2 have no criminal antecedent whereas the petitioner no. 2 namely Rijwan @ Md. Rijwan has one criminal antecedent.

5. Learned counsel for the Informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail and have submitted that the son of the informant, namely, Saheb Mian has received grievous injury resulting in fracture of frontal bone by the petitioners. It has also been submitted by them that from perusal of the case diary it is evident that the statement of the injured had not been recorded and the I.O. was acting in connivance with the accused persons as such they should not be released on bail.

6. Considering the aforesaid submissions made on behalf of the parties and taking into account the fact that there is case and counter case between the parties and the simple nature of injuries of all the victims except one and also considering no repetition of blow on any vital part of the body as well as similarly situated co-accused persons have already been granted bail, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds



of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1/Court concerned, Bettiah, West Champaran, in connection with Manpur P.S. Case No. 01 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, 2023 as well as 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 bonds of the petitioners 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 bonds.



(v) The learned Court below shall verify the criminal antecedent of the petitioners as above-mentioned 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 bonds 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.

7. In view of the antecedents of the petitioner no. 2, namely, Rijwan @ Md. Rijwan, the petitioner no. 2 is directed to appear before the Superintendent of Police, West Champaran within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.



8. It is made clear that the observations, if any,
made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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