

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38320 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- LAHERIYASARAI District- Darbhanga

Md. Rahmatulla @ Md. Rahmatullah S/o Md. Halim R/o Village- Kharajpur,
P.S.- Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2025 Heard Mr. Jitendra Narain Sinha, learned counsel for
the petitioner and Mr. Shantanu Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Laheriyasarai P.S. Case No. 37 of 2025, F.I.R. dated 16.01.2025 registered for the offences punishable under Sections 115(2), 118(1), 118(2), 109, 132, 121(2), 121(1), 126(2), 3(5) of the B.N.S. 2023.

3. Allegation against the petitioner is that he along with other co-accused person have assaulted the informant due to which he sustained injuries.

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 it appears from the F.I.R. itself that there is specific allegation of



assault attributed against co-accused persons namely Sindhu Kumar Choudhary @ Gyanu and Sanskar Kashyap @ Ravi and they were apprehended by the police personnel and the apprehended co-accused person namely Sindhu Kumar Chaudhary @ Gyanu has disclosed the name of the petitioner that he was also involved in the present crime in question but from perusal of the F.I.R. it appears that the name of the petitioner has not transpired in the present F.I.R. and except the disclosure made by co-accused persons, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the name of the petitioner has been disclosed by the apprehended co-accused persons, 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 Chief Judicial Magistrate, Darbhanga in connection with Laheriyasarai P.S. Case No. 37 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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