

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.41091 of 2025

Arising Out of PS. Case No.-235 Year-2022 Thana- BAIKUNTHPUR District- Gopalganj

1. Jamaluddin @ Jamaluddin Miyan S/o Lal Mahamad Miyan @ Lalmuhammad Miya Resident of Village- Balha, P.S-Bikunthpur, Dist.- Gopalganj
2. Mustafa @ Mustafa Husaain S/o Jamaluddin @ Jamaluddin Miyan Resident of Village- Balha, P.S-Bikunthpur, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-07-2025 Heard Mr. Uday Pratap Singh, learned counsel
for the petitioners and Mrs. Pushpa Sinha, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Baikunthpur P.S. Case No. 235 of 2022, F.I.R. dated 12.08.2022 for the offences punishable under Sections 341, 323, 324, 307, 354, 379, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have assaulted to the informant and his family members. Co-accused, Sanjai Alam has assaulted to the brother of the informant due to which he received injury.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case due to admitted land dispute between the parties. There is case and counter case between the parties. Although petitioners are named in the FIR but it appears from the FIR that the specific allegation of assault is against the co-accused, namely, Sanjai Alam who assaulted the brother of the informant. He further submits that the said Sanjai Alam against whom there is allegation of assault has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 05.12.2024 passed in Cr. Misc. No. 79028 of 2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, due to admitted land dispute the present occurrence has taken place and the similarly situated co-accused against whom there is allegation of assault has been granted anticipatory bail, let the petitioners, above named, in the event of 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gopalganj in connection with Baikuntpur P.S. Case No. 235 of



2022, 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. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners 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 bond 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.

(Rajesh Kumar Verma, J)

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