

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38238 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- PALASI District- Araria

1. Siddeek @ Md. Siddeek @ Siddaki S/o Md. Asgar Resident of village- Farsadangi Ward no.11 P.S.- Palasi District- Araria.
2. Saukat S/o Md. Asgar Resident of village- Farsadangi Ward no.11 P.S.- Palasi District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Jha, Advocate
For the State	:	Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-08-2025 Heard Mr. Madhav Jha, learned counsel for the petitioners as well as Mr. Ram Naresh Ray, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Palasi P.S. Case No. 11 of 2025, F.I.R. dated 09.12.2022 for the offences punishable under Sections 126(2), 115(2), 109, 76, 303(2), 352, 351(2)(3), 3(5) of the BNS, 2023.

3. According to prosecution case, the petitioners along with other co-accused persons are said to have abused and assaulted the informant. It is further alleged that they also assaulted informant's wife and torn her clothes and also snatched *kangan* of silver and *kanbali* of ½ bhar from her.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that it appears from the FIR that the date of occurrence as alleged in the FIR is 03.01.2025 but the present FIR has been instituted on 08.01.2025 i.e. after delay of five days without giving explanation for delay. It is further submitted that the FIR is in two parts, in first part, there is general and omnibus allegation against all the accused persons and in second part, there is specific allegation against the petitioner no. 1 that he has assaulted on the hands of the informant by means of farsa. He fairly submits that the informant has received the injuries and out of three injuries, one injury is grievous in nature and two injuries are simple in nature and the injury which is grievous in nature is not on the vital part of the body.

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

6. Considering the aforesaid facts and circumstances,



the petitioners have clean antecedent, grivous injury is not on the vital part of the body and rest two injuries are simple in nature, let the petitioners, above named, in the event of their 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, Araria in connection with Palasi P.S. Case No. 11 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. 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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