

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40320 of 2025

Arising Out of PS. Case No.-73 Year-2024 Thana- POTHIIYA District- Kishanganj

Farzan @ Md. Farhan @ Md. Farhan Nuri S/o Mukhtar R/o Village-
Nimalgaon, P.S.- Pothia, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2025 Heard Mr. Ram Prawesh Kumar, learned counsel for
the petitioner and Ms. Meena Singh, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Pothia P.S. Case No. 73 of 2024, F.I.R. dated
19.03.2024 for the offences punishable under Sections 341, 323,
324, 326, 354, 307, 379, 504, 506 and 34 of the Indian Penal
Code.

3. The prosecution case, as per the FIR, is that the
petitioner along with other co-accused persons assaulted the
uncles of the informant due to land dispute. It has also been
alleged that the petitioner outraged the modesty of the informant's
mother and assaulted her.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has 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 petitioner has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is admitted land dispute between the parties and there is case and counter case and both the parties are agnates to each other. He further submits that although the petitioner is named in the F.I.R. and as per allegation in the F.I.R., the petitioner has assaulted one Safir, although he has received injury but the injury report of the injured suggests that the injury is simple in nature and apart from that similarly situated co-accused persons, namely, Mukhtar and Khairun have been granted privilege of anticipatory bail vide order dated 21.10.2024 in Cr. Misc. No. 64930 of 2024.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj, in connection with Pothia P.S. Case No. 73 of 2024, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. 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.

ii. If the petitioner 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 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)

Jyoti Kumari/-

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