

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40449 of 2025

Arising Out of PS. Case No.-130 Year-2025 Thana- UCHKAGAON District- Gopalganj

Ashraf Khan @ Raj Ashraf Khan S/o Rashid Khan R/o Village- Mahaicha,
P.S.- Uchkagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar, Adv

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2),115(2),109, 303(2), 3(5)of the BNS.

3. As per the FIR, the informant Anwar Khan, stated that his Gotiyas were spilling lavatory water behind his house and when he opposed, the petitioner along with other co-accused persons assaulted him with lathi, sword and iron rod and one Sakill Khatoon also snatched his golden chain.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The specific allegation of assault on the head of the informant is against co-accused Ajmat Khan, who has already



granted anticipatory bail by the learned court below in ABP No. 901 of 2025 vide order dated 17.05.2025. It is further submitted that there is no specific allegation of overt act and repeated blow upon the head of the informant. There is land dispute between the informant and the petitioner. The petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for anticipatory bail

6. Considering the aforementioned facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest/ surrender within a period of six weeks from today, on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Uchkagaon P.S. Case No. 130 of 2025, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition:-

(i) One of the bailors should be the family member/ relative of the petitioner who shall provide official document to show his/ her bona fide.

(ii) The petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself.

(iii) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(iv) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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