

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39959 of 2025

Arising Out of PS. Case No.-764 Year-2024 Thana- BASANTPUR District- Siwan

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Khedan @ Ehtesham @ Ehtesam Ahmad Son of Late Abdul Aziz @ Ajj
Shekh Village -Jalalpur, P.S-. Lakari Naviganj, District -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the State : Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2025 Heard Mr. Javed Aslam, learned counsel for the

petitioner and Ms. Rita Verma, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
23.04.2025 in connection with Basantpur (Lakari Naviganj) P.S.
Case No. 764 of 2024, F.I.R. dated 03.12.2024 for the offences
punishable under Sections 103, 3(5) of the BNS.

3. According to prosecution case, the petitioner along
with other co-accused persons encircled the husband of the
informant over a petty dispute. Co-accused, Kamran gave knife
blow on chest of the informant's husband resulting into his death.

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 FIR is false and fabricated and the petitioner has not
committed any offence as alleged in the FIR. He further submits



that from a bare perusal of the FIR, it appears that although the petitioner is named in the FIR but there is no specific allegation of any assault or overt act attributed against the petitioner. The specific allegation is against the co-accused person, namely, Kamran who has assaulted knife blow on the chest and thigh of informant's husband. It is further submitted that co-accused persons, namely, Rajiya Begum and Munni @ Juhi Khatoon @ Shagufta Parvin have been granted privilege of anticipatory bail by this Court vide order dated 26.06.2025 passed in Cr. Misc. No. 39953 of 2025 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.04.2025.

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

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent, there is no specific allegation of any assault or overt act attributed against the petitioner, the specific allegation of assault has been attributed against the co-accused person and similarly situated co-accused persons have been granted privilege of anticipatory bail by this Court, let the petitioner, above named, 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 A.C.J.M.-1st, Siwan



in connection with Basantpur (Lakari Naviganj) P.S. Case No. 764 of 2024, subject to the 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)

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