

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45646 of 2025

Arising Out of PS. Case No.-615 Year-2023 Thana- MUFFASIL District- West Champaran

Irsad Alam @ Baba @ Md. Irsad S/o- Harun @ Md. Harun R/o- Bharpatia
W.No-13, Ps- Manuapul Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-07-2025 Heard Mr.Bimlesh Kumar Pandey, learned counsel
for the petitioner and Mr.Ashok Kumar Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil Manuapul P.S. Case No.615 of 2023, FIR dated 18.09.2023 registered for the offences punishable under Sections 147,148,149,341,323,324,307,504,506 of IPC and later on added Section 302 of IPC.

3. According to prosecution case, the co-accused persons have assaulted the informant and his father with lathi, rod and farsa. The petitioner is not named in the FIR.

4. Learned counsel appearing for the petitioner submits that initially the petitioner was not named in the FIR. The name of the petitioner has been transpired during



investigation on the basis of the restatement of the deceased's wife, she was not present at the place of occurrence, which was recorded in paragraph-46 of the case diary and from a bare perusal of the FIR it appears that there is specific allegation of assault or overt-act attributed against co-accused person and some of the co-accused persons, namely, Sabillah Khatoon @ Sabila Khatoon and another have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 04.04.2024 passed in Cr. Misc. No.21904 of 2024 and co-accused persons, namely, Nek Mohammad Ansari @ Nek Mohammad Mian @ Nek Mohammad and others have also been granted privilege of anticipatory bail by this Court vide order dated 01.05.2024 passed in Cr. Misc. No.25126 of 2024 respectively.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, the petitioner is not named in the FIR, the name of the petitioner has been transpired during investigation on the basis of the restatement of the



deceased's wife, she was not present at the place of occurrence and the co-accused persons, against whom the allegation of assault, have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court or by this Court, let the petitioner, above named, in the event of his 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 learned C.J.M., Bettiah, West Champaran in connection with Muffasil Manuapul P.S. Case No.615 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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