

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43974 of 2025

Arising Out of PS. Case No.-367 Year-2024 Thana- BAIRIYA District- West Champaran

1. Sarfuddin Gaddi S/o- Aslam Gaddi Vill- Gulab Chowk, Ps- Bairiya Dist- West Champaran
2. Khalil Gaddi S/o- Late Dharichhan Vill- Gulab Chowk, Ps- Bairiya Dist- West Champaran
3. Fuljannat Khatoon W/o- Khalil Gaddi Vill- Gulab Chowk, Ps- Bairiya Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Gupta, Advocate
For the Informant	:	Mr. Sachidanand Rai, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-07-2025 Heard Mr. Ashok Kumar Gupta, learned counsel for the petitioners, Mr. Sachidanand Rai, learned counsel for the Informant and Mr. Kumar Veerendra Narayan, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bairiya P.S. Case No. 367 of 2024, F.I.R. dated 23.10.2024 for the offences punishable under Sections 126(2), 115(2), 109, 117(2), 131, 303(2), 352, 3(5) of Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged that on 22.10.2024, when he was going to Urdu



Vidyalay, Pakhnaha for teaching, in the meantime, petitioners along with other accused persons arrived and attacked on his motorcycle and assaulted him. It is further alleged that one of the accused persons took out Rs.10,000/- from his pocket and snatched gold *sikari* from his neck

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. There is case and counter case between the parties. Although the petitioners are named in the FIR but from bare perusal of the FIR it appears that there is no specific allegation against these petitioners rather the allegation against all the accused persons including these petitioners are general and omnibus. Although the informant received three injuries and out of three injuries, two are simple in nature and one injury is grievous in nature and the said injury is on the hand. Although the same is not on the vital part of the body.

5. The learned Additional Public Prosecutor and learned counsel for the Informant have vehemently opposed the prayer for bail of the petitioners on the ground that petitioner nos. 1 & 2 have clean antecedent and petitioner no.3 carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that petitioner no.3 is on bail in the pending matter.



6. Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, West Champaran at Bettiah in connection with Bairiya P.S. Case No. 367 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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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