

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45108 of 2025

Arising Out of PS. Case No.-191 Year-2025 Thana- NOORSARAI District- Nalanda

1. MD. NASIM S/o Late Md. Sakim R/o Village- Shahsarai, PS- Noorsarai, District- Nalanda
2. Md. Azad @ Md. Rehan S/o Md. Nasim R/o Village- Shahsarai, PS- Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-07-2025 Heard Mr. Kaushal Kishor, learned counsel for the petitioners and Mr. Tarkeshwar Nath Thakur, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Noorsarai P.S. Case No. 191 of 2025 ,FIR dated 15.04.2025 registered for the offences punishable under Sections 190, 191(2), 127(1), 127(2), 115(2), 109, 117(2), 303(2) and 352 of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the informant's son was attacked while on his way to sow onions. The accused persons surrounded and abused him. The petitioner and other co-accused person struck him on the head intending to kill him,



causing a bleeding injury. After he collapsed, co-accused persons assaulted him with sticks on his head, hands and chest and took Rs. 1375/- from his pocket. Upon hearing the commotion, her family members arrived and rescued him.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely implicated in the present case. It appears from the F.I.R. that due to some previous dispute, the present occurrence had taken place and from a bare perusal of the F.I.R., it appears that there is no specific allegation of assault or overt act against these petitioners rather than there is general and omnibus allegation against all the accused persons including these petitioners and the co-accused persons, namely, Md. Mulla and Md. Chand have been granted privilege of anticipatory bail by the learned Court below itself and apart from that, the injury inflicted upon the informant is simple in nature.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that petitioners have clean antecedent, other co-accused persons have been granted privilege of anticipatory bail by the Court below itself and the injury inflicted upon the informant is simple in nature,



let the petitioners, above named, in the event of their 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 learned Court of J.M.-1st Class, Nalanda (Bihar Sharif) in connection with Noorsarai P.S. Case No. 191 of 2025, 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) 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 tamper 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 petitioner 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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