

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48592 of 2025

Arising Out of PS. Case No.-102 Year-2025 Thana- BAHADURGANJ District- Kishanganj

1. Taslim S/o Shekhabat Ali R/o vill - Khari Basti Bangama, ward no. 10, P.S.- Bahadurganj, Distt.- Kishanganj
2. Musfique @ Musfique Alam S/o Alauddin R/o vill - Khari Basti Bangama, ward no. 10, P.S.- Bahadurganj, Distt.- Kishanganj
3. Almas @ Almas Alam @ Alams Alam S/o Mazid R/o vill - Khari Basti Bangama, ward no. 10, P.S.- Bahadurganj, Distt.- Kishanganj
4. Mazid Alam @ Md. Mazid S/o Sarat Ali R/o vill - Khari Basti Bangama, ward no. 10, P.S.- Bahadurganj, Distt.- Kishanganj
5. Alauddin @ Alaboddin S/o Dakuwa R/o vill - Khari Basti Bangama, ward no. 10, P.S.- Bahadurganj, Distt.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar Sinha, Advocate
For the State	:	Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2025 Heard Mr. Diwakar Sinha, learned counsel for the petitioners, Mr. Ram Naresh Ray, learned A.P.P. for the State and learned counsel for the informant.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw the application with liberty to the petitioner no. 2 namely, Musfique @ Musfique Alam and petitioner no. 5, namely, Alauddin @ Alaboddin to surrender before the learned Court below within a period of four weeks from today and seeks regular bail.

3. Permission is accorded.



4. The present application stands dismissed as withdrawn with respect to petitioner no. 2 namely, Musfique @ Musfique Alam and petitioner no. 5, namely, Alauddin @ Alaboddin with the liberty to the petitioner nos. 2 and 5 to surrender and seek regular bail before the learned Court below, the same shall be considered on the same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.

5. The petitioners (except petitioner nos. 2 and 5) are apprehending their arrest in connection with Bahadurganj P.S. Case No. 102 of 2025, F.I.R. dated 03.03.2025 for the offences punishable under Sections 191(3), 109, 115(2), 117(2), 118(1), 118(2), 352 74, 303(2), 76 of the B.N.S.

6. According to prosecution case, the petitioners along with other co-accused persons came to the informant's house armed with iron rod, knife, spear etc and started assaulting family members of the informant. It is further alleged that they took Rs. 2,00,000/- cash and 4 bhari gold worth Rs. 3,00,000/- and two smart phones.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that due to some petty dispute, the present occurrence has taken place and there is



case and counter case between the parties. He further submits that although the petitioners are named in the FIR, but there is no specific allegation of any assault or overt act attributed against these petitioners, the specific allegation of assault has been attributed against the co-accused persons, namely, Musfique @ Musfique Alam and Alauddin @ Alaboddin.

8. The learned Additional Public Prosecutor for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and with the common intention, and petitioners along with co-accused persons have assaulted the family members of the informant and injury inflicted upon injured person is grievous in nature.

9. Considering the aforesaid facts and circumstances, the petitioners have clean antecedent and there is no specific allegation of any assault or overt act attributed against them, let the petitioner nos. 1, 3 and 4, namely, Taslim, Almas @ Almas Alam and Mazid Alam @ Md. Mazid Alam, 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 the learned J.M., 1st Class, Kishanganj in connection with Bahadurganj P.S.



Case No. 102 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the 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 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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