

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45853 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- ASANWA District- Siwan

1. Akhatar Miya @ Akhtar Ali Son of subhan Miya Resident of village-Arakpur Barkurwa Ps- Asaon District -Siwan
2. Kalamudin @ Kalamudin Miya son of Subhan Miya Resident of village-Arakpur Barkurwa Ps- Asaon District -Siwan
3. Dhanu @ Dhanu Miya @ Dhanan son of Subhan Miya Resident of village-Arakpur Barkurwa Ps- Asaon District -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP
For the Informant	:	Mr. Netan Chauhan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-07-2025 Heard Mr. Sumit Kumar, learned counsel for the petitioner, the State as also Mr. Netan Chauhan representing the informant.

2. The petitioners are in custody in connection with Asaon P.S. Case No. 59 of 2025 for the offence punishable under Sections 103 and 3(5) of the B.N.S. lodged on 27.04.2025 by the informant, Gulshan Begam.

3. As per the prosecution story, the informant alleged that while she was sitting near a mahua tree, Kalamudin abused her and later, called his family members whereafter allegation is that Akhatar Miya @ Akhtar Ali (petitioner no. 1) assaulted her



husband causing fracture beside hitting on the head by 'sariya' as a result, whereof, he became unconscious. Others also resorted to the assault. This led to the FIR.

4. As the story unfolds, the husband subsequently succumbed to the injuries which led to the incorporation of the different sections of the BNS.

5. Learned counsel for the petitioners submit that they are agnates, omnibus allegation is there, they have already remained in custody since 28.04.2025 having no criminal antecedent.

6. Learned counsel representing the informant on the other hand has taken this Court to the prosecution story to show that the assault made by petitioner no. 1, Akhtar Miya proved fatal. He further submits that allegation is there on others also.

7. Considering the aforesaid submissions and the allegation that has come against the petitioner no. 1, Akhtar Miya @ Akhtar Ali, his bail application stands rejected.

8. So far as the petitioner no. 2, Kalamudin @ Kalamudin Miya and petitioner no. 3, Dhanu @ Dhanu Miya @ Dhanan are concerned, main allegation is against Akhtar Miya, though omnibus allegation is there against them and considering the fact that they have remained in custody since 28.04.2025



having no criminal antecedent, in that background, this Court is inclined to extend them the privilege of bail with conditions.

9. Let the petitioner no. 2, Kalamudin @ Kalamudin Miya and petitioner no. 3, Dhanu @ Dhanu Miya @ Dhanan be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate III, Siwan in connection with Asaon P.S. Case No. 59 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner no. 2, Kalamudin @ Kalamudin Miya and petitioner no. 3, Dhanu @ Dhanu Miya @ Dhanan who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 2, Kalamudin @ Kalamudin Miya and petitioner no. 3, Dhanu @ Dhanu Miya @ Dhanan shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no. 2, Kalamudin @ Kalamudin Miya and petitioner no. 3, Dhanu @ Dhanu Miya @ Dhanan



shall appear before the concerned police station every fortnight for six months to mark their attendance;

(iv) the petitioner no. 2, Kalamudin @ Kalamudin Miya and petitioner no. 3, Dhanu @ Dhanu Miya @ Dhanan shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no. 2, Kalamudin @ Kalamudin Miya and petitioner no. 3, Dhanu @ Dhanu Miya @ Dhanan shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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