

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48550 of 2025

Arising Out of PS. Case No.-182 Year-2023 Thana- KUTUMBA District- Aurangabad

1. Shamsheer Alam S/o Nikai Ansari R/o village- Bandhua Sandi, P.S.- Kutumba, Distt.- Aurangabad
2. Shamsheer Alam S/o Abdul Karim Ansari R/o village- Bandhua Sandi, P.S.- Kutumba, Distt.- Aurangabad
3. Husnain Alam S/o Shamsheer Alam R/o village- Bandhua Sandi, P.S.- Kutumba, Distt.- Aurangabad
4. Faijan Raja @ Md. Faijan Raza S/o Gulshan Ansari R/o village- Bandhua Sandi, P.S.- Kutumba, Distt.- Aurangabad
5. Nurain Akram S/o Shamsheer Alam R/o village- Bandhua Sandi, P.S.- Kutumba, Distt.- Aurangabad
6. Ashik Jilani @ Md. Ashik Jilani S/o Soib Ansari R/o village- Bandhua Sandi, P.S.- Kutumba, Distt.- Aurangabad
7. Faruq Ansari S/o Sadique Ansari R/o village- Bandhua Sandi, P.S.- Kutumba, Distt.- Aurangabad
8. Md. Husnain Ansari @ Md. Husnain Alam S/o Md. Karara Ansari R/o village- Bandhua Sandi, P.S.- Kutumba, Distt.- Aurangabad
9. Saklain Raza S/o Asraf Ansari R/o village- Bandhua Sandi, P.S.- Kutumba, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate
For the State : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2025 Heard Ms. Mukul Kumari, learned counsel for the

petitioners as well as Mr. Ramchandra Sahni, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Kutumba P.S. Case No. 182 of 2023, G.R. No.



2009 of 2023, F.I.R. dated 30.07.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 354, 354A, 427, 379, 153A, 504, 506 of the IPC and 27 of the Arms Act.

3. According to prosecution case, all the accused persons came having weapons in their hand and started abusing and assaulting the informant. It is further alleged that accused persons tried to outrage the informant's modesty, damaged her tractor and took away her cow and jewellery.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. She further submits that the petitioners are not named in the FIR, name of the petitioners have been transpired during investigation. It is further submitted that from a bare perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against these petitioners, specific allegation of assault has been attributed against the accused persons who are named in the FIR. It is further submitted that out of ten FIR named accused persons, nine accused persons have been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court vide order dated 20.02.2024 passed in Cr. Misc. No. 4726 of 2024.

5. The learned Additional Public Prosecutor for the



State has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are accused in many other case but fairly submits that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, the petitioners are not named in the FIR, there is no specific allegation attributed against them in the FIR and out of ten accused persons, nine accused persons have been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court, 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 the learned A.C.J.M.-VI, Aurangabad in connection with Kutumba P.S. Case No. 182 of 2023, G.R. No. 2009 of 2023, 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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