

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50609 of 2025

Arising Out of PS. Case No.-167 Year-2019 Thana- PARIHAR District- Sitamarhi

Md. Aslam, S/O Abdul Quddus, Resident of Village- Sutihara, P.S- Parihar,
District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking regular bail in connection with Parihar P.S. Case No. 167 of 2019 registered for the offences under Sections 341, 323, 324, 504, 506, 307, 354, 302, 109, 34 of the Indian Penal Code. He has no criminal antecedent. He is in custody since 16.08.2024.

3. Earlier, the prayer for regular bail of the petitioner was rejected vide order dated 14.02.2025 passed in Criminal Miscellaneous No. 88115 of 2024.

4. As per the prosecution case, this petitioner was one amongst the 18 named accused persons who were involved in the alleged occurrence in which the prosecution side was assaulted by lathi, danda, garasa, knife and sword. It is alleged by the informant that his brother Md. Akram and Md. Arman



both were assaulted whereafter he reached the place of occurrence where he found that Md. Sabir and Jabir had ordered to kill and Md. Irfan who was having a garasa in his hand and Md. Nadeem who was having an iron rod in his hand assaulted on the head of Md. Akram which caused fracture and he started bleeding. It is alleged that when he fell down, then Sabir, Jabir, Sameel, Tanveer and Asghar all assaulted him by lathi, danda and garasa.

5. Learned counsel for the petitioner submits that so far as this petitioner is concerned, it is alleged that he was also involved in the occurrence and had assaulted the informant and his brother. Learned counsel, however, submits that so far as this petitioner is concerned, he seems to have assaulted the informant and his brother Akram, the allegation is also against other accused, therefore, it would be in the nature of a general and omnibus allegation.

6. Learned counsel further submits that one of the accused, namely, Md. Gulzar has been granted bail by this Court vide its order dated 19.09.2025 passed in Criminal Miscellaneous No. 21480 of 2025 but the prayer for bail of this petitioner was refused after finding that he had not surrendered in the learned court below immediately after rejection of his



prayer for anticipatory bail. He is in custody for over one year and at this stage, charges have been framed.

7. Learned APP for the State has opposed the prayer for bail of the petitioner as it is submitted that the petitioner was arrested in this case after about four years of the occurrence.

8. Having regard to the submissions noted hereinabove and on finding that this petitioner is not the assailant of the deceased, he is said to have assaulted the informant and his brother, similar allegations are also against some other accused persons, the petitioner is in custody for over one year and at this stage, charges have been framed but the conclusion of trial is likely to take much time, this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Sitamarhi in connection with Parihar P.S. Case No. 167 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for



cancellation of bail bond of the petitioner. 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.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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