

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53213 of 2025

Arising Out of PS. Case No.-161 Year-2022 Thana- BAISI District- Purnia

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Aikin S/o Iliyas @ Fakruddin R/o Village- Bareli, P.S.- Baisi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2025 Heard Mr. Ashok Kumar, learned counsel for the

petitioner and Mr. Ahmad Ali, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Baisi P.S. Case No. 161 of 2022, F.I.R. dated 27.04.2022 for the offences punishable under Sections 341, 323, 307, 379, 277, 504, 506, 147, 148 and 149 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

3. According to prosecution case, the informant, Nutthana Begum, had an old land dispute with the accused persons. On 20.04.2022 at about 07:00 PM, when her husband was returning home after plying an auto-rickshaw, the accused persons, namely Bibi Jahana, Akhtar @ Kaila, Wasim, Aserful,



Bibi Abeda, Bibi Siret, Hazi Alimuddin, Hari Hasibul, Faruque, Hajbun, Zinnat and Yakin, intercepted him in a pre-planned manner, abused him in filthy language and assaulted him with fists, kicks, rods and sticks. It is further alleged that during the assault, accused Akhtar @ Kaila attacked the informant's husband with a *dabiya*, causing serious injury on his hand, and the accused persons also snatched ₹5,000 from his pocket. When the informant intervened to rescue her husband, she was also assaulted and threatened. Due to the assault, her husband became unconscious and was taken to a medical facility at Purnea for treatment.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in this case. Although, the petitioner is named in the F.I.R. but it appears from the F.I.R. that there is no specific allegation of assault or overt act against this petitioner and the allegation of assault is attributed against co-accused person, namely, Akhtar @ Kaila @ Akhtar Malik that he assaulted to the husband of the informant and the co-accused person namely, Akhtar @ Kaila @ Akhtar Malik has been granted privilege of anticipatory bail vide order dated 19.04.2025 in Cr. Misc. No. 89798 of 2024 by the Co-ordinate Bench of this Court.



5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of assault or overt act against the petitioner and the co-accused person against whom the specific allegation of assault has been granted bail by the Co-ordinate Bench of this Court, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 161 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure /Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step 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.

(Rajesh Kumar Verma, J)

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