

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54487 of 2025

Arising Out of PS. Case No.-71 Year-2025 Thana- MAINATAND District- West Champaran

1. Kundan kumar S/o Wakil Paswan R/o Vill.- Purushottampur, P.S. - Purushottampur, Dist.- West Champaran
2. Sairun Miyan @ Surun Miyan S/o Late Hashakh Miyan R/o Vill.- Purushottampur, P.S. - Purushottampur, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 01-09-2025 1. Heard learned counsel for the petitioners and Mr. Chandra Bhushan Prasad, learned A.P.P. for the State.
2. The Circle Inspector, S.H.O. and the Investigating Officer of the case are present in the Court in compliance with the order dated 27.08.2025.
3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 191(2), 191(3), 190, 115(2), 126(2), 110, 308(3), 308(4), 308(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023.
4. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent. It is next submitted that initially, the F.I.R. was instituted on 24.03.2025



with respect to offences carrying punishment of seven years or less. However, the petitioners were not issued notice under Section 35 of the B.N.S.S., though the police was obliged to serve such notice within 14 days of the institution of the F.I.R. It is further submitted that on 26.08.2025, Section 109 of the B.N.S. was added in the F.I.R. on the basis of supervision made by the Circle Inspector and when Section 109 of the B.N.S. has been added, the petitioners apprehend their arrest.

5. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that informant who is owner of New Laxmi Automobile alleges that all the accused persons, including the petitioners entered his shop and petitioner no. 1 took an amount of Rs. 50,000/- and fled away. Further, when the Manager, Bhushan Kumar protested, co-accused, Mirhasan Alam assaulted him with a *farsa*, causing injury on head and thereafter all the accused threatened the informant to pay Rs. 10,000/- per month as extortion. Learned counsel submits that the petitioners have been falsely implicated in the instant case. It is next submitted that the petitioner no. 1 and Mirhasan Alam were employees of the informant and were having a salary dispute, on account of which father of Mirhasan Alam had gone to the agency for



getting the due salary of his son cleared but the informant assaulted his father and the petitioners which is captured in the CCTV footage.

6. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that specific allegation of assault is against Mirhasan Alam but then it is submitted that all injuries suffered by the injured is found to be simple, except one injury on the finger, which has been opined to be grievous but then is on non-vital part of the body.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Mainatand P.S. Case No. 71 of 2025, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



9. The Circle Inspector, who is present in the Court submits that in future he will ensure that in cases where an F.I.R. is instituted with respect to offences carrying punishment of seven years or less, notice under Section 41A of the Cr.P.C./ Section 35 of the B.N.S.S. shall be duly served upon the accused within the time.

10. The personal appearance of the Circle Inspector, S.H.O. and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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