

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54650 of 2025

Arising Out of PS. Case No.-367 Year-2024 Thana- BAIRIYA District- West Champaran

Sameer Alam @ Farhan Fazal @ Sameer Gaddi Son of Fazil Gaddi R/o
village- Gulab Chowk, Ward no. 1, Ps- Bairiya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-08-2025 Heard Mr.Ashok Kumar Gupta, learned counsel for
the petitioner and Mr.Nagendra Prasad, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bairiya P.S. Case No. 367 of 2024, F.I.R. dated 23.10.2024 for the offences punishable under Sections 126(2), 115(2), 109, 117(2), 131, 303(2), 352, 3(5) of Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged that on 22.10.2024, when he was going to Urdu Vidyalay, Pakhnaha for teaching, in the meantime, petitioner along with other accused persons arrived and attacked on his motorcycle and assaulted him. It is further alleged that one of the accused persons took out Rs.10,000/- from his pocket and



snatched gold sikari from his neck.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. The allegation as alleged in the FIR is false and fabricated and there is case and counter case. Although the petitioner is named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner. Specific allegation of assault is attributed against co-accused person, namely, Khalil Gaddi, Anshu Alam and Majid Gaddi and so far allegation against the petitioner is concerned that he took golden chain from the neck of the informant. Learned counsel for the petitioner submits that from a bare perusal of the FIR it appears that the allegation against the petitioner is ornamental in nature and other similarly situated co-accused persons namely, Sarfuddin Gaddi and others have been granted privilege of anticipatory bail by this Court vide order dated 23.07.2025 passed in Cr. Misc. No.43974 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and apart from that, he has participated in the present crime in question.

6. Considering the aforesaid facts, petitioner has clean



antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioner and other similarly situated co-accused persons have been granted privilege of anticipatory bail by 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 learned Additional Chief Judicial Magistrate-III, West Champaran at Bettiah in connection with Bairiya P.S. Case No. 367 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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