

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58380 of 2025

Arising Out of PS. Case No.-193 Year-2025 Thana- CHANDAUTI District- Gaya

Md. Shouib Alam @ Shouib @ Shoaib Alam, male, Son of Jawed Alam, R/o
Mohalla-Road No. 10, Ward No. 27, Aliganj, P.S.-Chandauti, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 58648 of 2025

Arising Out of PS. Case No.-193 Year-2025 Thana- CHANDAUTI District- Gaya

Md. Mustaquim Khan @ Mustaquim @ Kallu, male, Son of Md. Amin, R/o
Mohalla-Aliganj, Road No. 12, Ward No. 27, P.S.-Chandauti, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 58380 of 2025)
For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.
Mr. Brijmohan Das, Adv.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP
(In CRIMINAL MISCELLANEOUS No. 58648 of 2025)
For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.
Mr. Brijmohan Das, Adv.
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-08-2025 Since both the applications arise out of
the same case, bearing Chandauti P.S. Case No.
193 of 2025, they have been taken up together



and are being disposed of by this composite order.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutors for the State.

3. The petitioners are apprehending their arrest in connection with Chandauti P.S. Case No. 193 of 2025 registered for the offences under Sections 127(1), 115(2), 117(2), 303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (*in short the 'BNS'*).

4. As per the prosecution case, it has been alleged that the petitioner, namely, Md. Shouib Alam @ Shouib @ Shoaib Alam came in a drunken state and started an altercation with the informant and others and thereafter, he called the other named accused persons, among whom, co-accused/Munna gave a knife blow on the back of the informant. The other co-accused/Md. Mustaquim Khan @ Mustaquim @ Kallu (*petitioner in Cr. Misc. No. 58648 of*



2025) is said to have taken away Rs. 50,000/- from the pocket of one Farasat and co-accused/Munna taken away Rs. 7,000/- and Rs. 4,000/- from the pocket of the informant and the informant's brother respectively.

5. It has jointly been submitted on behalf of the petitioners that they have falsely been implicated in this case and no such incident had ever occurred as stated in the F.I.R. It has further been submitted that, admittedly, the occurrence is stated to be of 21.04.2025, but the F.I.R. was lodged after a delay of 33 days, *i.e.*, on 24.05.2025. It has next been submitted that from the perusal of the injuries, it would appear that the same were simple in nature caused by hard and blunt substance, which is also contrary to the statement made in the F.I.R., wherein, it has been alleged that the injuries were inflicted by a knife. It has lastly been submitted that the petitioners carry clean antecedent.



6. The learned APPs. for the State have vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

7. In view of the submissions advanced on behalf of the parties and considering the facts and circumstances of the case, let the petitioners (*in both the applications referred to above*), above-named, be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Chandauti P.S. Case No. 193 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the BNS as well as subject to the following conditions :



(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present before the learned Court below on each and every date of the trial.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail-bonds of the petitioners will be liable to be cancelled by the concerned learned Court below.

(iv) If the petitioners, in future, are found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of their bail bonds.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that they have concealed their criminal antecedent, the Court below shall take necessary steps for cancellation of their bail-bonds. 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.

8. Both the applications stand allowed.

(Sourendra Pandey, J)

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